

Delaware Township

ORDINANCE

110

ZONING

2013

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12/7/12

5/29/13

B) A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, that prohibits or restricts the use or development of land in which he/she has an interest, may submit a curative amendment to the governing body with a written request that his/her challenge and proposed amendment be heard and decided on as provided in Section 609.1 of the Pennsylvania Municipalities Planning Code, as enacted and hereafter amended.

110.24. SAVING CLAUSE

In the event any provision of this ordinance is determined to be invalid or unenforceable, the remaining provisions of this ordinance shall not be affected hereby and remain in full force of affect.

110.25 EFFECTIVE DATE; REPEALER

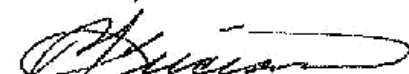
Pursuant to the Pennsylvania Municipalities Planning Code, this Ordinance shall be effective five (5) days after the subscribed date of enactment. All Ordinances and existing parts of ordinances inconsistent herewith shall be, and the same are, hereby repealed to the extent necessary to give this ordinance and subsequent amendments hereto, full force and effect.

110.26 ENACTMENT

This Delaware Township Ordinance is hereby enacted on this 25 day of Sept. 2013, pursuant to the authority granted under the Pennsylvania Municipalities Planning Code.

DELAWARE TOWNSHIP BOARD OF SUPERVISORS


TOM RYAN, CHAIRMAN


ROBERT LUCIANO, VICE-CHAIRMAN


TED PARSELL, SUPERVISOR

ATTEST:


BARBARA FOOS, TOWNSHIP SECRETARY

TABLE OF CONTENTS

110.1	Definition	5
110.2	Short Title	5
110.3	Purpose & Community Development Objectives	5
110.4	Interpretation	7
110.5	Applicability	7
110.6	Establishment of Zoning Districts	7
110.7	Uses Permitted In Zoning Districts	8
110.8	General Regulations	13
110.9	General Procedures	15
110.10	Fees	16
110.11	Zoning Permit	16
110.12	Foundation Location Plan	18
110.13	Certificate of Occupancy	19
110.14	Parking and Loading Regulations	19
110.15	Non-Conforming Uses and Structures	22
110.16	Conditional Uses	23
110.17	Specific Standards (for Conditional Uses)	29
110.17.A	Animal Hospitals	29
110.17.B	Bed and Breakfast	29
110.17.C	Open Space Development	30
110.17.D	Combined Use Single-Family Apartment	30
110.17.E	Home Day Care	31
110.17.F	Day Care Center	31
110.17.G	Home Occupations	31
110.17.H	Hunting and Fishing clubs or Camps	32
110.17.I	Junk Yard	32
110.17.J	Limited Industrial Activities	32
110.17.K	Major Home Occupation	34
110.17.L	Mineral Extractions	35
110.17.M	Mobile Home Parks	35
110.17.N	Multi-Family dwellings	44

12/7/12

5/29/13

110.17.O	Multi-Unit Offices and Research Laboratories	48
110.17.P	Office of Property Owners Associations & Temporary Offices of Developers	49
110.17.Q	Recreational Facilities and Structures	49
110.17.R	Riding or Boarding Stables, public	49
110.17.S	Shopping Centers	50
110.17.T	Subdivision Facilities and Amenities	50
110.17.U	Warehouse and Storage Unit Structures	51
110.17.V	Service Establishments in the Rural Residential District	53
110.17.W	Contracting Business and Trades in Rural Residential District	55
110.17.X	Studios	57
110.17.Y	Multi Use Retail Center	57
110.17.Z	Fuel Transfer Station/Bulk Fuel Storage Facility	58
110.17.AA	Adult Business	60
110.17.BB	Commercial Parking	63
110.17.CC	Multi Use Commercial Center	65
110.17.DD	Seasonal Retail Sales	66
110.17.EE	Flea Market	67
110.17.FF	Airports	67
110.17.GG	Golf Course	67
110.17.HH	Hospitals	67
110.17.II	Nursery Schools	68
110.17.JJ	Nursing Home	68
110.17.KK	Schools	68
110.17.LL	Communication Towers and Antennas	68
110.17.MM	Telephone/Communication Center	69
110.17.NN	Additional Tower Use	69
110.17.OO	Automotive Repair	69
110.17.PP	Convenience Store	69
110.17.QQ	Tavern/Bar/Cabaret	70
110.17.RR	Park	70
110.17.SS	Hotel/Motel	70
110.17.TT	Resorts – Commercial	70
110.18	Zoning Officer	71
110.19	Zoning Hearing Board	71
110.20	Special Exception Uses	76
110.21	Violation of Ordinance	78
110.22	Penalty	78
110.23	Amendment	78
110.24	Saving Clause	79

Reworked 110

12/7/12

5/29/13

110.25	Repealer	79
110.26	Enactment	79

DELAWARE TOWNSHIP ORDINANCE 110 ORDINANCE REGULATING ZONING AND LAND USE

110.1 DEFINITIONS

Definitions of words in this Ordinance are listed alphabetically in the Definitions Dictionary located in Ordinance 901 Definitions Dictionary of Delaware Township. These definitions are an integral part of all the Ordinances of Delaware Township, which are incomplete without them.

110.2 SHORT TITLE

This Ordinance shall be known, and may be cited, as the Delaware Township Zoning Ordinance.

110.3 PURPOSE AND COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance is based on the “Plan for Development of Delaware Township, Pike County,” adopted December 20, 2006. Its purpose is to create a framework that will promote public welfare through coordinated, well-planned community development, preventing overcrowding of land danger and congestion in travel and impairments to health or property, or loss of life, from fire, flood, panic, or other dangers.

A) In accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended (MPC), the following purposes and community development objectives have been established:

1. To conserve and promote the Township’s public health, safety, and general welfare.
2. To preserve the natural beauty and rural atmosphere of the Township, and to provide an attractive environment for homes, recreation, business, and cultural pursuits.
3. To recognize the existence of the Delaware Water Gap National Recreation Area and other Federal and State parklands.
4. To provide the facilities and services necessary to support future development.
5. To provide a functional public road system to tie together future development and to serve residents and tourists.
6. To minimize flood damage through strict enforcement of the Federal Flood Insurance Program.
7. To enforce vigorously all provisions of Act 537, Pennsylvania Sewage Facilities Act.

12/7/12

5/29/13

8. To offer a variety of dwelling types and to provide housing opportunities for a wide cross-section of the population.
9. To implement the Land Use Plan through the enforcement of zoning and subdivision regulations.
10. To designate areas for commercial development that have safe and efficient road access.
11. To encourage commercial development to meet the needs of both residents and non-residents.
12. To provide sufficient commercial acreage to meet the needs of both residents and non-residents.
13. To encourage limited industrial development consistent with the rural character of the Township and that will contribute to the Township's economic growth and provide opportunities for local employment.
14. To preserve prime agricultural land, considering topography, soil type and classification, and present use.

B) In addition to the purposes and objectives stated in Section 110.3 of the Zoning Ordinance, the primary purposes of this Ordinance are as follows:

1. To Recognize that many undeveloped parcels within Delaware Township contain significant amounts of environmentally sensitive resources including but not limited to slopes, wetlands, floodplains, and watercourses.
2. To recognize that disturbance of these environmentally sensitive areas results in negative impacts to the public health, safety and welfare by causing greater erosion, siltation and sedimentation, flooding, degradation of water quality and other adverse effects on the environment.
3. To require evaluation of potential environmental impacts associated with subdivision and land development applications and other land disturbances.
4. To require protection of environmentally sensitive features to the greatest extent possible by minimizing disturbance of these areas.
5. To promote, protect and facilitate: The public health, safety, morals, and general welfare of the Township; coordinated and practical community development; proper density of population; the provision of recreation, public ground, and open space; the preservation of the natural, scenic, and historic values in the environment; and the preservation of natural resources, including forests, wetlands, aquifers, and floodplains.
6. To prevent overcrowding of land.
7. To provide for the use of land within the Township for residential housing.

8. To promote protection of environmentally sensitive features to the greatest extent possible by minimizing disturbance of these areas.

110.4 INTERPRETATION

The provisions of this ordinance are the minimum requirements for the accomplishment of the purposes and objectives listed in Section 110.3, above. Where this ordinance conflicts with any rule, regulation, or ordinance of any entity having appropriate jurisdiction, the more stringent restriction shall prevail, regardless of its source.

110.5 APPLICABILITY

No structure or land shall be used, occupied, erected, moved, enlarged, or structurally altered unless in conformity with the provisions of this Ordinance. The Ordinance regulates:

1. The location, height, bulk, and size of structures.
2. The relation of structures to roads, intersections, and interchanges to steep slopes and natural bodies of water to public buildings and grounds, to airports and heliports, to historic buildings and places, and to flood plains.
3. The areas and dimensions of land and bodies of water to be occupied by uses and structures, the percentage of a lot that may be occupied, and the size and use of yards, courts, and other open spaces.
4. The density and distribution of population and the intensity of the use of the land.
5. The use of land and structures for residential, business, industrial, recreational, and all other purposes, but does not regulate the erection or construction of fences except as specifically set forth herein as a specific standard for a conditional use.
6. Commencement of said site alterations (including filling or clearing of natural resources) prior to obtaining approvals required by this ordinance, shall constitute a violation of this Ordinance subject to the enforcement provisions set forth herein.

110.6 ESTABLISHMENT OF ZONING DISTRICTS

- A) **Classifications of Zoning Districts.** Zoning Districts are established as follows:

R	Residential
RR	Rural Residential
C	Commercial
Q	Quarry District
PP	Public Parklands

- B) **District Intent.** Taken as a whole, the five (5) Zoning Districts in Delaware Township are designed to implement the Purpose and Community Development Objectives set forth in Section 110.3, above. The specific intent of each District is as follows:

12/7/12

5/29/13

1. Residential. To provide for a safe and well planned residential living environment by encouraging single-family residential development and allowing other compatible, non-residential uses, provided that such uses are use standards set forth in this Ordinance.
 2. Rural Residential. To provide for a broad range of necessary residential, commercial, and public uses, compatible with the rural character of the Township. To provide for a variety of types of housing to meet the needs of a wide cross section of all social and income groups. To provide for environmental and community protection through the conditional use and special exception use processes.
 3. Commercial. To provide for the growth and development of the business and service sectors to meet the needs of Township and area residents, and to provide for limited industrial uses in the District.
 4. Quarry District. To provide opportunities for mineral extraction uses with a minimal negative impact on land, air, and water resources. To locate mineral extraction uses in close proximity to the township's major collector routes to provide efficient and safe access by industry-related traffic. To mitigate impacts of mineral extraction uses on adjacent non-industrial properties.
 5. Public Parklands. To recognize the Delaware Water Gap National Recreation Area, the State Forest Lands, and any other public parklands that may come into being in the Township and to provide for land uses consistent with such areas.
- C) Zoning Map. The locations and boundaries of the Zoning Districts are shown on a map known as the Official Zoning Map of Delaware Township, Pike County, Pennsylvania. The Zoning Map is hereby made part of this Ordinance. The copy of the Zoning Map maintained by the Township in the Township Building shall be the only and final authority on the current zoning status of all land and structures.
- D) Zoning District Boundaries. The Zoning District Boundaries shown on the Zoning Map shall be construed to be the centerlines of any roads, public utility rights-of-way, streams, or lot lines that they approximately coincide with or parallel to those same lines when they do not coincide with them but do approximately parallel them. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the Map. If uncertainty exists as to the boundary of any District shown on the Zoning Map, the Zoning Hearing Board shall determine the location of the boundary.

110.7 USES PERMITTED IN ZONING DISTRICTS

The restrictions and controls that regulate development in each Zoning Districts are set forth below. These restrictions incorporate, by reference thereto, provisions of this and all other Ordinances of Delaware Township, whether or not specifically mentioned herein. These restrictions are intended to create, among other things, density standards for the entire Township. The minimum lot sizes set forth herein shall be applied so as to require that each principal use or structure independently meets all density standards. No more than one use

12/7/12

5/29/13

shall be placed on a lot unless the lot meets the sum of all minimum lot sizes for each of the principal uses or structures placed or to be placed thereon.

However, no more than two uses which are reasonably related to each other may be placed on a single lot, provided that the lot meets the minimum requirements of that use requiring the greater lot size.

A) USES NOT SPECIFICALLY ADDRESSED BY THIS ORDINANCE

Uses not specifically provided for nor specifically prohibited by this Ordinance may be permitted upon application to the Zoning Hearing Board pursuant to these standards. The proposed use may be permitted if, after a public hearing duly advertised by the applicant in accordance with the legal requirements of 'public notice', the Zoning Hearing Board finds it to be similar to and compatible with permitted uses in the subject district and if the Board finds that the proposed use is not permitted in any other district in the township. The Zoning Hearing Board may attach reasonable conditions to the issuance of a permit for the proposed use, incorporating restrictions regulating similar uses within the subject district and such other restrictions as the Zoning Hearing Board may deem appropriate.

B) STANDARDS FOR PRINCIPAL PERMITTED USES (except where otherwise specified)

1. Minimum lot sizes.

Area	87,120 square feet
Width	200 feet
Average depth	300 feet
Front yard setback	40 feet
Rear yard setback	25 feet
Side yard setback	25 feet

2. Maximum building heights

Stories	2 ½
Feet	35

These height limitations shall not apply to farm structures, silos, water towers, church spires, belfries, solar energy collectors, windmills, ham radio antennas, chimneys, or other appurtenances usually required to extend above roof level and not intended for human occupancy.

3. Maximum lot coverage 45%

1. R: Residential

- a. Principal permitted uses. Single-family dwellings, places of worship, and Private Community structures.

12/7/12

5/29/13

- b. Permitted accessory uses. Structures and uses customarily accessory to the principal permitted use, including but not limited to No-impact home-based businesses, private garage and parking areas, and private, non-commercial swimming pools and tennis courts.
- c. Conditional Uses. Open Space Development, minor commercial resorts, non-commercial recreational facilities and uses, offices of property owners associations, subdivision facilities and amenities, temporary offices of developers, professional offices, home occupations and ham radio antennas. Such uses are subject to the approval procedure set forth in Section 110.16
- d. Special exception use. None.

2. RR: Rural Residential

- a. Principal permitted uses. Agriculture, cemeteries, camps, home day care, government facilities, greenhouses and nurseries, parks, places of worship, professional offices, public libraries, fire protection and ambulance services, single-family dwellings, two-family dwellings and Private community structures.
- b. Permitted accessory uses. Structures and uses customarily accessory to the principal permitted use, including but not limited to: No-impact home-based businesses, private garages and parking areas, and private, non-commercial swimming pools and tennis courts.
- c. Conditional uses. Animal hospitals; “bed and breakfast;” clubs; day care centers; open space development; dental and medical clinics; flea markets; home occupations; studios; hunting and fishing clubs or camps; major and minor commercial resorts; mineral extraction; mobile home parks; multi-unit offices and research laboratories; subdivision facilities and amenities; home occupations; a single unit accessory apartments, provided that the lot upon which it is situated has an area of at least one (1) acres; combined single use family apartment; office of property owners’ associations and temporary offices of developers; recreational facilities; riding or boarding stables, public; seasonal retail sales; swimming and tennis clubs; taverns and restaurants; airports; heliports, golf courses; hospitals; nursery schools; nursing homes; school; and ham radio antennas. Such uses are subject to the approval procedure set forth in Section 110.16.
- d. Special exceptions uses. None

3. C: Commercial.

- a. Principal permitted uses. Banks, bowling alleys, campgrounds, car washes, cemeteries, clubs, day care centers, studios, funeral homes, hotel, motels and major and minor commercial resorts, offices (general) smaller than

12/7/12

5/29/13

one thousand (1000) square feet, places of worship, professional offices, public use structure, service garages and stations (automobile), private community structures, camps, home day care, government facilities, greenhouses and nurseries, public libraries, fire protection and ambulance services, recreational campsites, recreational facility commercial, single-family dwelling, two-family dwellings, multi-family dwelling, such retail activities as grocery stores, delicatessens, appliance stores, hardware stores, antique stores, barber and beauty shops, Laundromats, travel agencies, and restaurants.

b. Permitted accessory uses. Structures and uses customarily accessory to the principal permitted use, including but not limited to: No-impact home-based businesses, private garages and parking areas, and private, non-commercial swimming pools and tennis courts.

c. Conditional uses. Adult businesses, fuel transfer station, flea market, junk yard, limited industrial activities, multi-unit offices and research laboratories, animal hospitals, bed and breakfast, dental and medical clinics, home occupations, research laboratories, office of property owners associations and temporary offices of developers, office park, indoor commercial recreation, commercial education, shops for carpentry, furniture making, and similar trades, single unit, accessory apartment, provided that the lot upon which it is situated has an area of at least one (1) acre; combined single use family apartment, multi-use commercial center, and multi-unit retail centers, offices (general) one thousand (1000) square feet and larger; seasonal retail sales; shopping centers, fast food restaurant, convenience store, Open Space Development, automotive repair, taverns and storage unit structures and warehouses and Communication Tower and Antenna and Telephone/common carrier facility. Such uses are subject to the approval procedure set forth in section 110.16.

d. Special Exception uses. None.

4. Quarry District

a. Principal Permitted Uses – Mineral Extraction, agriculture, cemeteries, commercial camps, home day care, government facilities, greenhouses and nurseries, parks, places of worship, professional offices, public libraries, fire protection and ambulance services, single-family dwellings, two-family dwellings and private community structures.

b. Permitted Accessory Uses – Structures and uses customarily accessory to the principal permitted use.

c. Conditional Uses. - Animal hospitals, bed & breakfast, clubs, open space development, day care centers, dental and medical clinics, flea markets, home occupations, studios, hunting and fishing clubs or camps, major and minor commercial resorts, mobile home parks, multi-unit offices, research laboratories, office of property owners associations, temporary offices of developers, recreational facilities, riding or boarding stables, public seasonal retail sales, swimming and tennis clubs, taverns and

12/7/12

5/29/13

restaurants, ham radio antennas; Office Park; Communications Tower & Antenna Support Structure; Wind Energy Facility; Professional or business office not to exceed twenty thousand (20,000) square feet of floor area; Indoor Commercial Recreation; Commercial Education; Shops for carpentry, furniture making, and similar trades; Cultural Facilities such as theaters, galleries, libraries, & museums; Funeral home; Accessory apartment providing a maximum density of one (1) dwelling unit per two (2) acres of lot area;; Pumping stations for sewage or water supply serving the Township, and other public service facilities, excluding sanitary landfills and trash transfer stations, and except as exempted by the Municipalities Planning Code.

d. Special exception uses. – None.

e. Standards for Principal Permitted Uses –

1. Height Regulations – the maximum height of dwellings and other structures erected, enlarged or used shall be thirty-five (35') feet. The height of structures used in quarrying or agricultural operations may be increased to a maximum of one hundred twenty (120') feet, provided that for every one (1') foot of height in excess of thirty-five (35') feet, there shall be added to each yard requirement two (2) corresponding feet of depth or width.

2. Area & Bulk Regulations

- a. Except as it relates to mineral extraction, area and bulk regulations shall be those applicable to uses within the Rural Residential district, or as otherwise set for use in this Ordinance.
- b. For all mineral extraction uses, the following minimum standards apply:

Lot Area	Lot Width	Lot Depth	% of coverage	Front Setback	Rear Setback	Side Setback
20 acres	400'	300'	35%	75'	50'	50'

3. Other Standards for Mineral Extraction Uses

- a. No quarry operations shall occur within any front, side, or rear setback;
- b. A 100' buffer shall be maintained from any adjacent, residentially zoned property;
- c. A 50' buffer shall be maintained from any adjacent commercial property;

12/7/12

5/29/13

- d. No parking or driveway may be placed within said buffers;
- e. No part of said buffer should be used for storage or display purpose.

4. Screening Requirements: Dense vegetation screening shall be maintained along all lot lines where natural woodlands exist, they shall be permanently maintained throughout the entire buffer width as set forth in subsection 3 above. Where there is no existing forest, or when existing forest occupies less than the full buffer width, evergreen trees shall be planted and maintained to constitute a continuous visual barrier at all times.

- a. When evergreen trees are planted, the effective height of the continuous visual buffer shall be no less than eight (8') feet.

5. PP: Public Parklands.

- a. Principal Permitted Uses. Agricultural uses, not including intensive livestock operations, commercial nurseries, essential services, single-family dwellings and timber harvesting.
- b. Permitted Accessory Uses. Gardens, no-impact home-based businesses, private greenhouses, swimming pools, tool sheds, and other structures and uses customarily accessory to the principal permitted uses.
- c. Conditional Uses. Golf courses, natural resources uses, public recreational facilities, and tourist recreational facilities. These uses shall be permitted only after the Board of Supervisors has determined that standards specified in this Ordinance have been met (see 110.16).
- d. Special Exception Uses. None.
- e. Standards For Principal Permitted Uses. The minimum setback from any property line is 200 feet. All building heights are limited to a maximum of two and one-half (2-1/2) stories or thirty-five feet (35').

110.8 GENERAL REGULATIONS

A) Temporary Structures and Uses. For structures or uses necessary during construction or other special circumstance of a non-recurring nature, the Zoning Officer may issue a temporary permit. Construction of all improvements pursuant to a temporary permit must be completed within one year of the date of issuance, and the duration of the temporary use shall not exceed one year from commencement of the use of completion of improvements, whichever is earlier.

The use shall be ceased, all improvements completely removed, and the site restored to its original condition upon the earlier of: (1) expiration of the permit, or (2) voluntary cessation of the activities permitted.

12/7/12

5/29/13

B) Buffer and Screening for Commercial Structures. No commercial structure shall be closer than fifty feet (50') to any Residential (R) or Rural Residential (RR) District line unless the district line is the center of a public road adjacent to the lot upon which the commercial structure is situated, in which case, the commercial structure shall not be closer than twenty feet (20') to said district line. Nonconforming structures, whereby a structure is legally in existence prior to the effective date of this ordinance and all or a portion of said structure is within the fifty foot (50') setback, may be increased in size along the same line of encroachment of the nonconforming structure but may not create additional encroachment beyond that line.

Further, there shall be an effective screen between any developed commercial lot and any Residential (R) or Rural Residential (RR) Zone line. Provided, however, that as to this provision only, the term "structure" shall not apply to parking lots, driveways, material storage areas or sign. The screen shall be constructed or planted, and permanently maintained, as follows:

1. The effective height of the continuous visual buffer shall be no less than eight (8') feet. Existing woodlands may be considered in the buffer requirement.
2. The type of plant materials to be used shall be subject to review and approval by the Board of Supervisors upon the recommendations of the Planning Commission.
3. The buffer planting strip shall be a minimum of fifty feet (50') feet in width measured from the lot line.
4. In cases where conditions preclude a planted buffer, fencing no less than six (6') feet in height shall be utilized to provide an effective screen.

C) Yard regulations. No buildings or structures other than yard structures are permitted in the applicable setbacks. Bay windows, carports fireplaces, fire escapes, chimneys, unroofed stairs, landings, balconies, and cornices, marquees, eaves or other architectural features not required for structural support may project into the applicable setbacks not more than three feet (3'). The setback shall not apply, however, to septic fields, septic tanks, sheds in the rear yards only, or other structure constructed pursuant to a valid permit issued by the Township SEO or the DEP. The placement of such structures shall be controlled by the Township Sewage Ordinance and appropriate state regulations. The setback shall not apply to access driveways and access foot paths provided that they are constructed of stone, wood, masonry or similar materials. All access driveways must have safe and adequate access to a public road.

D) Visibility at intersections. No fence, wall, hedge, or other structure or planting more than thirty inches (30) high shall be placed or erected within the triangle formed by the two (2) roads bounding any corner lot at which the roads intersect. All plantings within this triangle must be maintained at a height no greater than thirty inches (30"). Screening required by other provisions of this Ordinance shall be placed outside of the borders of the triangle described above.

12/7/12

5/29/13

- E) **Private non-commercial swimming pools.** All pools below ground level, and pools with side walls higher than three feet (3') above ground level that lack a safety ladder, removal steps, or lockable gate, shall be walled or fenced so as to prevent uncontrolled access from the road or from adjacent properties. The wall or fence shall be a minimum of four feet (4') high and shall be designed so that no openings between slats, wires, posts, etc. are large enough for an infant or small child to pass through. Walls, fences, or screening shall be maintained in good condition. Pools shall be adequately grounded for electricity. Farm ponds and decorative ponds are exempted from these requirements.
- F) **Multiple lot sites.** An applicant/owner of multiple, adjacent lots must conform to all regulations as they pertain to each lot unless a review of recorded deeds in the chain of title reveals an irrevocable covenant or restriction unifying the subject lots to use as one (1) home site that may not be subdivided or sold separately without Township approval. All applications pursuant to this subsection must be accompanied by a certified copy of the pertinent deed or deeds. The purpose of this section is to ensure that an applicant cannot avoid the requirements of this ordinance through purchase and/or ownership of adjacent, separate lots.
- G) **Setbacks between structures.** The minimum setback between unattached structures situated on the same lot shall be the same distance as the height of the tallest of the structures. This section shall not apply to those structures enumerated in Section 110.7(B)(2).

110.9 GENERAL PROCEDURES

- A) Persons desiring to undertake any new construction, structural alteration, or changes in the use of a structure or lot, shall apply to the Zoning Officer for a Zoning Permit by filling out the designated application form and submitting the required.
- B) The Zoning Officer shall either issue or refuse the Zoning Permit, indicating the reasons for refusal in writing. Some applications require the approval of the Zoning Hearing Board or the Board of Supervisors before a Zoning Permit is issued.
- C) If refused a Zoning Permit by the Zoning Officer, an applicant may appeal to the Zoning Hearing Board.
- D) After a Zoning Permit is received by an applicant, he/she may obtain other necessary permits and undertake the action permitted by all of them. All permits must be posted conspicuously at the construction site.
- E) Oral amendments to Zoning Permits shall be of no legal effect. All construction shall be pursuant to the specifications shown on the permit issued unless modified or amended, in writing, by the Zoning Officer.
- F) Upon completion of such action, the applicant shall apply to the Zoning Officer for a Certificate of Occupancy. The Zoning Officer shall issue the Certificate of Occupancy,

allowing the premises to be occupied, if he/she finds that the action of the applicant accords with the Zoning Permit and any other required permits.

110.10 FEES

Fees required under the provision of this Ordinance shall be set from time to time by resolution of the Board of Supervisors, along with a procedure for collecting them. No application shall be considered filed until all fees are paid. In addition, exemptions from the sign fee and any guarantees required for the removal of temporary signs shall be determined by resolution of the Board of Supervisors.

110.11 ZONING PERMIT

A) Permit required. A Zoning Permit must be obtained prior to the erection, construction, alteration, or moving of any structure, or a change of use for any structure or lot or parcel of land or part thereof, but is not required for normal repairs, maintenance, interior remodeling, yard structures, docks or replacement sheds as defined in Ordinance 901. **Note:** *Persons proposing a dock should contact the Pike County Conservation District and/or the Pennsylvania Department of Environmental Protection for additional information regarding local, state and federal permit requirements for dock installation and maintenance.*

B) Application for permit.

1. All applications for Zoning Permits must be made in writing by an owner, tenant, or authorized agent, and must be filed with the Zoning Officer on forms prescribed by the Township.
2. Applications must contain all information necessary to determine that the proposed action complies with the provisions of this Ordinance, including, but not limited to, the following:
 - a. Existing and proposed uses of each structure or property, and the number of families to be accommodated.
 - b. A site plan, in duplicate and drawn to scale, indicating the actual dimensions and shape of the lot to be built upon the exact size and location on the lot of all structures the locations and dimensions of all proposed structures or alterations and the locations of road right-of-way lines adjoining the property.
3. If a special exception or conditional use is desired, than the application must set forth the nature of the special exception or conditional use, must state the reasons why it should be granted, and must include any information that the Zoning Hearing Board, Planning Commission, or Board of Supervisors may request to review the application.
4. All applications for commercial operations of any kind and all applications for multi-family residential uses must be accompanied by proof that the applicant has filed with the Delaware Township Volunteer Fire Company

12/7/12

5/29/13

a copy of its application for the use of the Company in preparing firefighting procedures.

- C) **Grant or refusal of permit.** No Zoning Permit shall be issued until the Zoning Officer has certified that the proposed structure, alteration, or use complies with the provision of this and all other applicable Ordinances, including necessary inspections and approvals.

D) Time limitations.

1. No Zoning Permit shall be valid for more than one (1) year unless work at the site has commenced within such period but in any case, all exterior work must be completed within two (2) years.
2. If the work for which a Zoning Permit has been granted has not been started within one (1) year, or if the work has not been completed within two (2) years, the Zoning Officer shall cancel the Permit and shall give written notice to the Permit holder stating that further work shall cease unless a new Zoning Permit is obtained.

- E) **Required notices.** A Zoning Permit holder shall give the Zoning Officer at least twenty-four (24) hours' notice that work is to begin at a construction site, and shall notify the Zoning Officer as soon as the work is completed and prior to use or occupancy.

1. The Zoning Officer shall be supplied with a survey, certified to the applicant, performed by a PA registered surveyor with stakes and metal pins or their equivalent, unless such a survey or its equivalent is on file with the Township, in which case the Zoning Officer may rely upon such existing survey or equivalent.
 - a. For the following structures only, the applicant will not be required to furnish a foundation location or to supply a survey:
 - 1) Decks of less than two hundred (200) square feet.
 - 2) Any structure that, under the provisions of the Township Building Code, does not require a foundation, piers or similar support structure.
 - a) For sites of greater than two (2) acres, only boundary lines closer than two hundred feet (200') to the proposed construction need be surveyed and shown on the site plan.

110.12 FOUNDATION LOCATION PLAN

A Foundation Location Plan will be required for all buildings which are governed by the setback regulations of the Delaware Township Zoning Ordinance, except as noted. The Foundation Location Plan must be prepared by a registered Pennsylvania Land Surveyor. The plan must be submitted and approved by the Delaware Township Zoning Officer. A Certificate of Occupancy or Temporary Certificate of Occupancy will not be issued until the Foundation Location Plan has been submitted in duplicate and approved by the Delaware Township Zoning Officer.

MINIMUM STANDARDS

The standards listed below are the minimum requirements for the Foundation Location Plan. The Township reserves the right to require additional information it deems appropriate.

1. The Foundation Location Plan must be the same size and scale as the required site plan in Section 110.11.B.2.b.
2. Lot dimensions using bearings, distances and/or curve information must be shown, along with total acreage.
3. The lot must be identified by filed map name and number, and filed map section and lot number. Properties, which are not part of a filed map, must be referenced by deed book and page.
 4. Road right-of-ways and easements must be shown and labeled.
 5. North arrow must be shown.
 6. The setback lines and distances must be shown.
 7. The owner's name and address must be shown.
 8. The plan must be dated.
9. The plan must be signed and sealed by a registered Pennsylvania Land Surveyor.
10. The foundation must be shown with offset distances to accurately locate the foundation on the property:
 - A. Offset distances must be shown to the closest perpendicular property lines.
 - B. Offset distances to tangent property lines must be shown perpendicular to the property line.
 - C. Offset distances to curved property lines must be shown radical to the curve.

- D. Offset distances must be shown to the nearest tenth.
Standard industry practices should be followed in preparation of the Foundation Location Plan.

A Foundation Location Plan will not be required when a proposed building and/or structure is beyond two hundred feet (200') of the property lines.

A shed as defined in Ordinance 901 will not require a foundation location.

110.13 CERTIFICATE OF OCCUPANCY

A) Certificate required. A Certificate of Occupancy must be obtained prior to the occupation for use or change of use of any land or structure, but is not required for uses accessory to private residential, recreational, or agricultural use.

B) Application for Certificate of Occupancy.

1. All applications for Certificate of Occupancy must be made in writing by an owner, tenant, or authorized agent, and must be filed with the Zoning Officer on forms prescribed by the Township.
2. When use of the premises involves a new structure or additions to an existing structure, the application shall be made at the time work is completed.
3. When only a change in use is desired, the application may be made at any time.

C) Grant or refusal of Certificate of Occupancy. No Certificate of Occupancy shall be issued until the Zoning Officer has certified that the proposed structure, alteration, or use complies with the provisions of this and all other applicable Ordinances, including necessary inspections and approvals.

D) Temporary Certificate of Occupancy. Pending completion of a structure or alterations, a Temporary Certificate of Occupancy may be issued by the Zoning Officer for all or part of a structure, provided that such temporary occupancy will not in any way jeopardize life or property.

110.14 PARKING AND LOADING REGULATIONS

A) Off-street automobile parking.

1. Each off-street parking space for automobiles shall contain a minimum area of two hundred (200) square feet and shall be at least ten feet (10') wide. Except for driveways with single-family and two-family dwellings, areas of traffic movement such as aisles shall not be included as part of a parking space. Such areas of traffic movement shall be at least twenty-five feet (25') wide.

12/7/12

5/29/13

2. The minimum number of spaces required for specific uses shall be based on the list below. If uses are mixed, the total requirement shall be the sum of the requirements of the component uses computed separately. If not listed below, a use shall conform to the requirements for the most similar use that is listed and/or shall be based on the average anticipated use as estimated at the time of application:

NUMBER OF SPACES BY USE

Bowling Alley	3 per bowling lane
Commercial School	1 per every 5 students and one space for each full-time employee
Day Care Center	1 per every employee plus 1 per every 10 children that the facility is licensed to accommodate

<u>Dwelling unit:</u>	
Efficiency/one bedroom	1 per dwelling unit
Two or more bedrooms	1.5 per dwelling unit
All others	2 per dwelling unit

Home occupation	1 per each 100 square feet used
Hospital	1 per every 2 beds and each employee on the largest shift
Manufacturing, warehousing	1 per every 2 employees on the largest shift plus one space for each company or fleet vehicle
Membership clubs	1 per every 4 seats in building
Motor vehicle sales/service	2 per each 300 square feet of floor area
Municipal building	1 per each 200 square feet of floor area
Nursery/elementary school	2 per classroom
Nursing home	1 per every 2 beds
Office	1 per each 200 square feet of gross leasable area and each full-time employee
Recreational facility, private	1 per every 4 members
Recreational facility, public	1 per half of anticipated number of persons using daily
Repairs and personal services	1 per each 100 square feet of floor area serving customers and 1 per every 2 full-time employees

<u>Restaurant/tavern:</u>	
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12/7/12

5/29/13

Standard	1 per every 2 seats and every 2 full-time employees
Fast-food	1 per every 4 seats and every 2 full-time employee
Retail store	1 per each 100 square feet 3 minimum
Shopping center	1 per each 150 square feet of gross leasable area
Theater	1 per every 3 seats and 1 per every 2 full-time employees

”Seat” means the number of seating units installed or indicated, or each twenty-four lineal inches of benches, pews, or space for loose chairs or similar seating facilities.

B) Off-street truck loading.

- Every structure or lot that contains a total floor area of five thousand (5,000) square feet or more shall be provided with off-street truck loading spaces as follows:

<u>SQUARE FEET</u>	<u>SPACES</u>
5,000 to 25,000	1
25,001 to 40,000	2
40,001 to 100,000	3
Each additional 50,000	1 additional

- The minimum width of each truck loading space shall be twelve feet (12'), and the minimum length sixty-five feet (65').

C) Parking lot design standards.

- Spaces shall be located on the same lot as that of the principal use served, or, where conditions make it impossible to meet this requirement, within three hundred feet (300') of the lot.
- Spaces shall be located so that they can be occupied at all times (i.e., their occupation shall not interfere with traffic movement), and shall not intrude into the road right-of-way.
- No parking area shall be designed so that vehicles must back out of the area directly into a public road.
- All lighting fixtures shall be directed to prevent glare into adjoining property.
- The design of parking lots for multi-unit dwellings and townhouses shall prevent through traffic between parking areas.

12/7/12

5/29/13

6. All parking areas shall be graded and paved in accordance with Township construction standards for paved roads (*see* Ordinance 106).

Provisions satisfactory to the Township shall be made with regards to on site control of storm water runoff that will prevent adverse effects to adjoining properties. Department of Environmental Protection standards for retention ponding of storm water runoff shall be complied with.

- D) Landscaping.** All off-street parking areas other than those with garages and those for single-family dwellings shall be landscaped as follows:

1. Screening to prevent headlights from shining on abutting residential lots.
2. The area between the parking area and any public road shall be effectively screened with plantings.

- E) Setbacks.** All parking and loading areas and areas required for traffic movement (e.g., access roads) shall be separated from adjoining property lines and public road rights-of-way as follows:

1. Not less than ten feet (10') from any property in commercial use or any property in the Commercial Zoning District.
2. For storage unit structures, not less than fifty feet (50'), and for warehouses, not less than twenty feet (20'), from any public road right-of-way.

110.15 NON-CONFORMING USES AND STRUCTURES

- A) Any lawful use of any structure** or land existing at the effective date of this Ordinance may be continued, even though such use does not conform to the provisions hereof.
- B) A non-conforming use** may not be altered, reconstructed, extended, or enlarged, except that it may be changed into a conforming use or, in accordance with the following provisions and, as a Conditional Use; and shall not change the character of the surrounding neighborhood and property.
- C) A non-conforming structure** shall not be altered, reconstructed, extended, or enlarged except that it may be enlarged provided that said enlargement or extension does not create any new violation of existing regulations.
- D) Any expansion of a non-conforming use or non-conforming structure** shall not create any new or greater violation of existing regulations and shall not adversely change the character of the neighborhood or surrounding properties.
- E) Existing non-conforming lots**
1. Notwithstanding failure to meet the dimensional requirements of this Ordinance, any single lot or parcel of record existing at the effective date of this Ordinance or amendment thereto may be used for the erection of a single-family

residence conforming to the use regulations of the District in which it is to be located.

2. Any lot with a lot area of less than two (2) acres as of the enactment of this Ordinance shall be entitled to a decrease in the permissible side and rear setback dimensions applicable to a single-family dwelling use of such lot in accordance with the following calculation:

The required side yard and rear yard setbacks of said lot shall be reduced by the same percentage that the area deficiency of said lot bears to the minimum area presently required by this Ordinance. For example, if a lot is on (1) acre and the present minimum is two (2) acres, the side yard and rear yard setbacks may be decreased by one half (1/2), except that in no event shall the side yard rear yard setback be reduced by more than one half (1/2) of the current requirement. Any such lot must, in all other respects, comply with all other requirements of this Ordinance except that the setback provisions as to accessory uses shall not apply to private driveways.

- F) **The ownership of non-conforming property** may be transferred without affecting the right to continue the non-conforming use or structure.
- G) **A non-conforming use or structure** shall be deemed to have been terminated and shall not thereafter be reinstated, when:
 1. It is changed to a conforming use or structure.
 2. The non-conforming use or structure has been discontinued, removed, or abandoned for twelve (12) consecutive months and the owner has not, within that period, filed a certificate of intent to maintain non-conforming use.

110.16 CONDITIONAL USES

Conditional Use regulations provide standards for controlling the special characteristics of certain uses. These regulations are necessary because of the great impact that these uses tend to have on the Township.

A) **General provisions.**

1. Decisions to grant or deny Conditional Use permits shall be made by the Board of Supervisors after reviewing the recommendation of the Planning Commission, and shall be based on the standards contained in the regulations for the Zoning District in which the use is requested and on all other Ordinances of the Township. The Board of Supervisors shall conduct public hearing to consider application for conditional use.
2. All applicants for a Conditional Use permit shall submit three (3) sets of development plans to the Planning Commission with their application. Also, when the Zoning Officer concludes that an application for a specific use can

12/7/12

5/29/13

only be granted as a conditional use under the terms of this Ordinance, he/she shall forward a copy of said application along with required supporting data, to the Planning Commission. Plans must show the location of all buildings, open spaces, and parking areas traffic access and circulation landscaping and any other location required to determine whether the conditional use conforms with the regulations for that use.

3. The Planning Commission shall, within thirty (30) days following its next regular meeting after the regular meeting at which an application is received, make a review thereof. The Planning Commission shall report its findings, together with a recommendation indicating whether the criteria listed above, any performance standards that apply, and other applicable provisions of this Ordinance, will be complied with.
 4. Upon receipt of the Conditional Use application and the recommendation of the Planning Commission, the Board of Supervisors shall make a decision to grant or deny the application, such decision to be made solely with respect to the above-mentioned requirements. In allowing a Conditional Use, the governing body may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the Municipalities Planning Code. If the application is granted, the Board shall direct the Zoning Officer, in writing, to issue a permit for the same. If the application is denied, the applicant shall be notified within five (5) days of the action and the reason for it.
 5. No application for issuance of a Conditional Use permit shall be approved unless the Planning Commission and the Board of Supervisors find that all of the requirements of this and any other applicable Ordinance of the Township will be met. Further, in instances where the standards contained herein do not adequately protect the health, safety, and welfare of parties affected, the Township shall be obliged to impose such conditions in issuance of a permit. Conditions that might be imposed shall include, but are not limited to, provisions for additional parking and traffic control, submission of landscaping plans, increases in lot size and setback, adoption of special measures addressing sales period activities, and other measures to remove any potential adverse influence any use may have on adjoining areas.
- B) Burden of proof.** The burden of proof shall remain with the applicant to show compliance with all standards herein and the burden shall never shift to the Township or any protestants.
- C) General Standards.** In order to receive approval, a Conditional Use must:
1. Accord with the Township Comprehensive Plan conform with regulations applicable to the District where located and be consistent with the spirit, purposes, and intent of this Ordinance.

12/7/12

5/29/13

2. Be in the best interest of the Township and not jeopardize the public health, safety, welfare, and convenience.
3. Be suitable for the property in question be designed so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity provide adequate landscaping and screening to protect adjoining areas and not cause substantial injury to the value of other property in the immediate vicinity.
4. Be suitable in terms of its effect on road traffic and safety, with vehicular access arrangements to protect major roads from undue congestion and hazard.
5. Not impose an undue burden on any of the improvements, facilities, utilities, and services of the Township, whether such services are provided by the Township or some other agency. The applicant shall be wholly responsible for providing such improvements, facilities, utilities, or services as may be required to serve the proposed use adequately when the same are not available or adequate to service the proposed use in the proposed location. As part of the application and as a condition to approval of the proposed Conditional Use permit, the applicant shall be responsible for establishing ability, willingness, and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with this and other Ordinances of Delaware Township. The permit shall be so conditioned.

D) Procedures and requirements.

1. Approval process. All Conditional Uses that are also required to follow the approval process of Ordinance 107, "Ordinance Regulating Subdivision and Land Development" (e.g., those involving subdivisions and land development), shall be applied for and acted upon concurrently as one submission. Application for approval of such uses shall be made to the Planning Commission in the manner, and according to the schedule, provided under Section 107.4 of Ordinance 107, rather than Sections 110.16.A.2. and 3, above. All other uses shall follow the approval process and schedule included in Section 110.16.(A), above.
2. Public Hearings. When applications are submitted under the approval process of Ordinance 107, a public hearing shall be held by the Board of Supervisors, pursuant to a public notice, prior to action on said application. The Planning Commission may sit jointly with the Board of Supervisors at said hearing. The Board of Supervisors may require additional hearings at its own discretion.
3. Required information. The development plans submitted to the Planning Commission (see Section 110.16(A)(2), above) must include all of the following information applicable to the proposed use, supplemented, where also applicable, by all additional information required under the regulations of this or any other Ordinance of the Township:

- a. Compliance with general standards. A comprehensive and specific discussion, in the form of a letter or brief, of how the proposed use will comply with the General Standards in Section 110.16.(C), above.
 - b. Lot plan. A lot plan showing the approximate (generally within five feet (5')) locations of all buildings and improvements, including parking areas, planting strips, signs, storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems, and other utilities (such as cable television, electricity, and telephone), and the specific areas provided as open space in compliance with the requirements of this Ordinance.
4. Additional Information. When an application proposes a use or site alteration which the Planning Commission determines is like to result in a significant impact to the infrastructure, facilities and/or essential services of the Township, significantly alters the character of the site or neighborhood and/ or significantly impact adjacent landowners, the following may be required:
 - a. Engineering Plans. Plans showing building layouts, floor plans, and profiles, and including building dimensions and numbers, size of units, common ownership or use areas (apart from any open space required by this Ordinance), lighting, and such other features as may be required to conform with design standards included herein and any other building standards that may be applicable. Setbacks from property lines, improvements, and other buildings shall also be indicated.
 - b. Traffic impact report. A traffic impact report may be required when, based on the procedures and standards of the Institute of Traffic Engineers. The traffic impact report shall be designed to identify the traffic impact likely to be generated by the proposed use as well as the improvements required to insure safe ingress to and egress from the proposed site. The trip generation report included as part of the traffic impact report shall be used by the Township Engineer to establish the appropriate trip generation rate using maximum weekday figures. The report shall include the following:
 - i. A detailed description of the highway network within one-fourth (1/4) mile of the site, including all intersections, proposed ingress and egress locations, existing roadway widths and rights-of-way, and existing traffic control devices.
 - ii. A detailed description of the existing traffic conditions for all roads that have direct access to the site, including assembly of average daily traffic data and accident analysis. A twenty-four (24) hour traffic count shall be conducted for a period of seven (7) days on each road with direct access. Average daily traffic

(ADT) shall be estimated and seasonally adjusted figures shall be prepared.

- iii. A calculation of estimated ADT after development.
- iv. Highway and intersection capacities (maximum safe traffic volumes) for each of the roads with direct access to the site.
- v. Projected total future traffic demands during peak periods for all roads with direct access to the site. Peak traffic demands for each road and intersection shall be compared with capacity figures. Should peak traffic demand following completion of the project exceed Institute of Traffic standards, the project shall not be approved unless the applicant makes the changes or improvements necessary to increase capacity or reduce traffic impact.

c. Site Analysis.

a. Natural Features Analysis.

A thorough analysis of the natural features of the site may be required. The following must be included in this analysis, and shall be clearly delineated on a map with a scale of one inch (1") to no more than 50'.

Hydrology. Natural drainage patterns and water resources, including streams, natural drainage swales, ponds or lakes, wetlands, floodplains areas, permanent high water table areas, and seasonal high water table areas.

Geology. Characteristics of rock formation underlying the site, including defining aquifers (particularly those locally subject to pollution), shallow bedrock areas, and areas in which rock formations are unstable.

Soils. Types of soils present, including delineation of prime agricultural soil areas, aquifers, recharge soil areas, unstable soils and soils most susceptible to erosion. The analysis must be based on the county Soils Survey of the U.S. Soil Conservation Service.

Topography. Terrain, including mapping of elevation with contour lines at 10' intervals, delineation of slope areas over twenty-five percent (25%).

Vegetation. Tree and plant cover, emphasizing the location of woodland and meadowland areas. Dominant tree and plant species should be identified and the characteristics of each understood.

Community Impact. The expected impact of the completed project on public facilities including, utilities and road systems. Projecting of increases in populations and the vehicular traffic to be generated must be included. If connections to public water supply and/or sewer systems are contemplated, projections of the required water supply capacity and wastewater volumes to be generated must also be included.

E) Design standards.

1. All applicable requirements of federal, state, and county agencies must be complied with.
2. Existing natural features, drainage, and vegetation shall not be removed, changed, or destroyed except where necessary to the construction and operation of the use.
3. Telephone, electric, and cable television utilities shall be installed underground.
4. Trash receptacle areas shall be designed with suitable screening.
5. In addition to the standards included herein, site design and improvement shall conform to the standards set forth in Ordinance 107.

1. Roads and Parking

- a. In order to separate automobile and pedestrian circulation and to increase accessibility to common open space areas, pedestrian walkways must be provided wherever feasible.
- b. The design and construction of roads must conform to the design and construction standards set forth in Ordinance 106 for roads servicing more than two (2) lots.
- c. Points of vehicular access shall be designed to minimize congestion and hazards at entrance and exit points, and to allow free movement of traffic on adjacent roads.

2. Lighting. All streets, off-street parking areas, and areas of intensive pedestrian use shall be adequately lighted. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and signs. All such lighting shall be designed and located so as to direct light away from adjacent property.

3. Soil erosion control and storm drainage.

- a. The results of the natural features analysis, above, shall be taken into account in determining areas suitable for site clearance and earth moving. Where site clearance and earth moving are necessary, erosion

control measures shall be undertaken with standards set forth in County Soil.

- b. The natural features analysis and community impact analysis, above, shall be taken into account in designing and constructing the storm drainage system, which shall also be consistent with the standards for storm drainage set forth in Ordinance 106. The storm drainage system shall be designed and constructed so as to minimize erosion and flooding, using, as necessary, drainage easements, swales, catchment basins, and silt traps cart ways shall be designed to minimize runoff.

4. Tree conservation and landscaping.

- a. Existing trees shall be preserved wherever possible. The protection of trees six inches (6") or more in diameter (measured at a height four feet (4') above the original grade) shall be a factor in determining the location of open space, structures, underground utilities, walks and paved areas. Areas in which trees are preserved shall remain at original grade level and undisturbed whenever possible.
- b. Where extensive natural tree cover and vegetation do not exist, landscaping shall be undertaken to enhance the appearance of the use, aid in erosion control, provide protection from wind and sun, screen streets and parking area, and enhance privacy.

110.17 SPECIFIC STANDARDS. Specific standards for a limited number of uses are covered below. Standards for additional uses may be covered in a Zoning District where a use is permitted or a special exception. (See also 110.7.). All building heights are limited to the lesser of two and one-half (2-1/2) stories or thirty-five feet (35').

A) Animal Hospitals. A minimum lot size of two (2) acres is required for facilities treating small animals (e.g., dogs and cats), and five (5) acres for those treating large animals (e.g., horses and sheep). Buildings where animals are housed or cared for must be at least one hundred feet (100') from all lot lines. Soundproofing that will prevent noise in buildings from being heard at all lot lines is required. Outdoor runs for small animals are permitted; they must be shielded by a visual barrier at least four feet (4') high, and they shall be used only from 8:00 AM to 8:00 PM

B) "Bed and breakfast."

1. No more than five (5) guest rooms providing accommodation for no more than ten (10) guests shall be included.
2. The following dimensional regulations apply:

Minimum lot size	2 acres
Minimum lot width	300 feet
Minimum lot depth	300 feet

12/7/12

5/29/13

Maximum lot coverage	35%
Minimum front yard setback	40 feet
Minimum side yard setback	25 feet

3. One (1) off-street parking space shall be provided for each guest room and for every two (2) other occupants of the building, whether permanent (e.g., owners) or temporary (e.g., employees).

C) Open Space Development.

1. Open Space Development projects shall also be subject to the requirements for Multi-family dwellings in this Ordinance (See Subsection n, below), unless those requirements are specifically modified herein.
2. A minimum parcel size of ten (10) acres is required, and all lands proposed for a cluster development shall be contiguous.
3. The maximum number of dwelling units permitted in the R – Residential District shall be one (1) per acre of lot area of the tract. A minimum of 40% of the gross tract area in the R – Residential District shall be common area.
4. The maximum number of dwelling units permitted in the RR – Rural Residential District shall be one (1) per two (2) acres of lot area of the tract. A minimum of 50% of the gross tract area in the RR – Rural Residential District shall be common area.
5. Individual building lots shall be no less than twenty-one thousand seven hundred eighty (21,780) square feet.
6. Bulk requirements shall be as follows:

Minimum lot width	85 feet
Maximum lot coverage	35%
Minimum front yard setback	40 feet
Minimum rear yard setback	25 feet
Minimum side yard setback	25 feet

7. Access for individual building lots shall be provided by development roads only no individual driveways shall be permitted to encroach upon any public right-of-way.

D) Combined use single-family apartment. When a single-family apartment is incorporated as part of another commercial use (with the exception of all dwelling unit users), the additional acreage required to add the single-family apartment shall be .5 acres per apartment:

12/7/12

5/29/13

The combined apartment/commercial use structure shall otherwise be governed by the standards and requirements for the commercial use with which it is combined, including all acreage and lot requirements. This provision shall only apply to legally existing commercial uses for which all appropriate permits have been obtained, and shall not apply to nonconforming commercial uses.

E) Home Day Care.

1. Any child day care home must be licenses pursuant to the requirements of Title 55 PA Code chapters 3270, 3290 and 3300 et. seq. or applicable State Law.
2. Outside play shall be limited to the hours between 8:00 AM and 7:00 PM.
3. The outdoor play area shall be surrounded by a safety fence or natural barrier.
4. One off-street parking space shall be provided for each employee.
5. No child day care home shall be located within five hundred feet (500') of another child day care home.
6. A safe passenger unloading space shall be provided.

F) Day Care Center.

1. Any Child day care center must be licensed pursuant to the requirements of Title 55 PA Code chapters 3270, 3290, and 3300 e1 seq. or applicable State Law.
2. Outside play area shall be surrounded by a safety fence or natural barrier.
3. The outdoor play area shall be surrounded by a safety fence or natural barrier.
4. A safe passenger unloading space shall be provided for each ten (10) children the facility is licensed to accommodate.
5. One off street parking space shall be provided for each employee.
6. No child day care center shall be located within five hundred feet (500') of another child day care center.

G) Home occupations.

1. Any use conducted entirely within a dwelling that is carried on only by the inhabitants of the dwelling and no more than two (2) additional

12/7/12

5/29/13

persons, and that is clearly incidental secondary to the use of the dwelling for dwelling purposes and that does not change its character or exterior appearance.

2. No more than two (2) persons other than those residing at the dwelling may be employed in the home occupation.
3. The home occupation shall not create noise, vibration, glare, odors, fumes, or electrical interference beyond the bounds of the property to any extent greater or more frequent than ordinarily associated with the dwelling.

H) Hunting and fishing clubs or camps. Structures to serve as the headquarters of hunting and fishing associations may be established on lots 30 acres or larger.

I) Junk yard. *See* Ordinance 103, which is incorporated herein by reference.

J) Limited Industrial Activities. The intent of this Conditional Use is to provide areas for the manufacturing, and packaging of materials in a clean and orderly fashion without health or environmental hazard to the community.

1. The Conditional Uses permitted include all types of general industrial uses of all types of products whose processing does not present any health or environmental hazard to the community, including their manufacture, fabrication, processing, assembly, repair, testing, packing, and storage.
2. Unless there is compliance with the performance standards set forth in number (3), below, no land or structure shall be used or occupied for a use that will in any way create any (a) dangerous, injurious, noxious, or other objectionable condition (b) fire, explosive, radioactive, or other hazard (c) noise or vibration (d) smoke, dust, odor, or other form of air pollution (e) heat, cold, dampness, or movement of air (f) electrical or other disturbance (g) glare, or (h) liquid or solid waste in any manner or amount. In addition, the following uses are specifically prohibited:
 - (a) Mink or fox farms
 - (b) Piggeries
 - (c) Commercial incineration
 - (d) Refuse dumps, except by the Township or its agent.
 - (e) The outdoor storage of construction or contractor's equipment and materials, except during the course of construction at or on the premises, or except by a business engaged in the sale and/or service of such equipment.

12/7/12

5/29/13

3. Performance standards. All industrial uses shall comply with the following standards:
 - (a) Fire and explosion hazards. All activities shall be carried on only in buildings classified as fireproof by the Pennsylvania Department of Labor and Industry or by the BOCA Basic Building Code, whichever is stricter, and the operations shall be carried on in such a manner and with such precaution against fire and explosion hazards as to product no such hazards to a use on an adjacent property, as determined by the standards of the Pennsylvania Departments of Labor and Industry and Community Affairs. All raw materials, fuels, and finished products shall be stored within an entirely closed building. Flammable liquids, other than fuels used for heating, shall be stored in an entirely closed building that shall be used for no other purpose, or in underground tanks provided, however that such storage building or tank shall be no closer than one hundred feet (100') to any building occupied by one (1) or more humans.
 - (b) Smoke, fumes, gases, dust, odors. There shall be no emission of any smoke, fumes, gas, dust, odors, or any other atmospheric pollutant that will disseminate beyond the boundaries of the lot occupied by a use that is detectable without the use of instruments, or that may cause any damage to human health or to animals, vegetation, or other forms of property or that can cause any excessive soiling. Visible gray smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart (McGraw-Hill), latest edition, is prohibited.
 - (c) Radioactivity or electrical disturbance. No activities are permitted that emit dangerous radioactivity, or that product any electrical disturbance adversely affecting the operation any equipment other than that of the creator of such disturbance. All applicable Federal and State regulations shall be complied with.
 - (d) Liquid or solid waste. All methods of sewage and industrial waste treatment and disposal shall be approved by the Pennsylvania Department of Environmental Resources.
 - (e) Vibration. No sue is permitted that may cause vibrations or concussions detectable without instruments beyond its lot lines.
 - (f) Noise. No use is permitted that may produce noise exceeding sixty-five (65) decibels beyond its lot lines.
 - (g) Glare. No use is permitted that may product direct or sky-reflected glare exceeding 0.5 foot-candles measured at its lot

12/7/12

5/29/13

lines. This regulation shall not apply to lights used at the entrance or exits of service drives leading to parking lots.

- (h) Nuisances. No use shall employ any noisemaking instruments such as phonographs, loudspeakers, amplifiers, radios, television sets, or similar devices that are situated as to be heard outside the building occupied by the use. The display of merchandise on the exterior of any building is prohibited.

4. Design standards.

- (a) All applicable Department of Labor and Industry standards shall be met.
- (b) Points of vehicular access shall be designed to minimize congestion and hazards at entrance and exit points, and to allow free movement on traffic on adjacent roads.
- (c) No parking area shall be closer than ten feet (10') to any building.
- (d) A roadway or aisle at least twenty-five feet (25') wide must be provided to all parking spaces.
- (e) No industrial use structure shall be closer than one hundred feet (100') to a Residential (R) or Rural Residential (RR) zone line.
- (f) A buffer area of fifty feet (50') shall be maintained around the periphery of the property. There shall be no use or structure within this area other than access drives. A screen between the use and the property line shall be provided by additional plantings if existing, natural foliage is inadequate.
- (g) The maximum coverage for all structures on any lot shall be limited to the percentage set forth below:

Area of lot (square feet)	Maximum Coverage (%)
Over 87,120 to 94,000	25
Over 94,000 to 104,000	26
Over 104,000 to 114,000	27
Over 114,000 to 124,000	28
Over 124,000 to 134,000	29

K) Major Home Occupation. A home occupation may not exceed 50% of the total combined square footage of the dwelling and the largest accessory structure, may only occupy the dwelling and/or one accessory structure and in no event shall occupy more than 25% of the dwelling (by square footage).

12/7/12

5/29/13

L) Mineral extractions.

1. Activities and residual effects shall not create conditions hazardous or otherwise adverse to the value and use of adjacent property or the well-being of residents.
2. The site must be restorable to a non-hazardous state, permitting some reasonable future use. Extraction shall not result in environmental degradation of the surrounding area.
3. All work shall be effectively screened from adjacent properties setback from all adjacent property must be a minimum of fifty feet (50'), and from residential structures a minimum of two hundred feet (200'). Fences that effectively prevent access to work areas except by employees shall be installed prior to the beginning of work.
4. Unique or environmentally significant natural features and structures, or sites significant for historical or architectural reasons, shall be protected from adverse effects.
5. Any federal or state permits required for the anticipated use must be presented as a prerequisite for a Township Zoning Permit.

M) Mobile home parks.

1. Application: It shall be unlawful to construct, establish, or operate any mobile home park and no mobile home shall be parked anywhere, or occupied at any location, except as provided in this Ordinance.
 - a) Sale or Long Term Lease: Applications for development in which mobile home lots or spaces are proposed for sale or longer term lease (exceeding twelve (12) months) of mobile home lots or spaces shall meet all requirements and standards for a single family residence, residential subdivision as set forth in Delaware Township Ordinance 107, Subdivision and Land Development Ordinance.
 - b) Rental or Short Term Lease: Application for development of new mobile home parks or expansions of existing mobile home parks that are proposed to be held under single ownership and to provide mobile home sites on a maximum twelve (12) month lease period or rental basis only, shall meet the design standards and required improvements as set forth in this Section n.
2. Procedures: A mobile home park or expansion of a mobile home shall be considered a land development as defined by the Township Subdivision Land Development Ordinance 107, and the application for the development or expansion of a mobile home park shall be processed in accord with all the procedures established by said Ordinance 107 for major subdivisions and land development.

12/7/12

5/29/13

3. Minimum Park Size: A mobile home parks shall have a total contiguous land area of not less than five (5) acres.

4. Site Size and Density:

- a) Site Size: Each mobile home site shall comply with the specifications which follow and no more than one (1) mobile home may be placed on a mobile home site. Each site shall be for the exclusive use of the occupants of said site. Each mobile home site shall be defined by metes and bounds and shall be shown as such on the development plan, and markers shall be installed at each corner of every site.

- (i) Minimum site specifications:

Area	10,890 square feet
Width	100 feet
Average depth	100 feet

- (ii) Maximum site coverage: 35%

- b) Density: The total number of sites in any mobile home park shall not exceed a density of two (2) sites per acres. For the purpose of calculating density, the following areas shall be subtracted from the gross area of the mobile home park parcel: Public or private rights-of-way, mobile home park roads and common parking areas, water bodies, streams from bank to bank, wetlands and areas with a slope of twenty-five percent (25%) or more.

5. Design Standards: In addition to the other applicable standards contained in this Ordinance the design standards in this Section m shall apply to all mobile home parks.

- a) Location:

- (i) Zoning. Mobile home parks shall be allowed only in those areas permitted by this Ordinance.

- (ii) Floodplains: The provisions of Delaware Township Ordinance 102, regulating construction or development in areas subject to flooding shall apply to all mobile home parks.

- (iii) Nuisances: The site of any proposed mobile home parks shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents, and shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.

12/7/12

5/29/13

- (iv) Soils and slopes: A mobile home park shall not be located on soil areas having a seasonal high water table or limiting zone within twenty inches (20") of the ground surface the average natural slope of the area of the site intended for development shall not exceed twelve percent (10%).
- b) Mobile Home Sites: Each mobile home site shall be improved to provide a permanent foundation for the placement and tie down of the mobile home, thereby securing the structure against uplift, sliding, rotation and overturning. Mobile home shall not be considered placed on a permanent foundation unless wheels have been removed and the home is resting on concrete piers to the frost level (at least forty-two inches (42") below finished grade), a foundation of poured concrete or block construction or a concrete slab.
 - (i) Stability: The mobile home foundation shall not heave, shift or settle unevenly under the weight of the mobile home, due to frost action, inadequate draining, vibration or other forces acting on the superstructure.
 - (ii) Anchors: The mobile home site shall be provided with anchors and tie downs, such as cast-in-place concrete "deadmen," eyelets embedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home, Anchors and tie downs shall be placed at least at each corner of the mobile home site, and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2800) pounds.
 - (iii) Skirting. All mobile homes not placed upon a foundation shall be enclosed from the bottom of the mobile home to the ground or paving, using industry approved fire resistant skirting material.
- c) Soil and Ground Cover: All areas of a mobile home park disturbed during the development process and not covered by improvements shall be stabilized and protected with such vegetative growth as necessary to prevent soil erosion and the emanation of dust during dry weather. Such vegetation shall be maintained by the park owner in such condition as to provide continued soil protection. Soil erosion and sedimentation controls shall be planned, installed and maintained in accord with the requirements of the Pike County Conservation District and the Pennsylvania Department of Environmental Protection.
- d) Storm Water/Drainage: Mobile home parks shall be designed to insure that all surface water is drained in a safe and efficient manner away from mobile home sites. Storm water controls and drainage facilities shall be developed in conformity with the construction standards of Ordinance

106, "Ordinance Regulating the Construction of Drainage Facilities," which are incorporated herein by reference, and the Storm Water Management Act of Pennsylvania, the terms of which are incorporated herein by reference and shall meet the requirements of any ordinance adopted by the Township in the future based on the Storm Water Management Act for the regulation of road construction and/or storm water management.

e) Setbacks, Buffer Strips and Screening:

(i) Overall Property Line Setbacks: All mobile homes shall be located not less than seventy-five feet (75') from any public right-of-way and not less than fifty feet (50') from other park property lines.

(ii) Interior Setbacks: All mobile homes shall be located not less than twenty-five feet (25') from the right-of-way of any park street, common parking area or other common area or structure fifteen feet (15') from any side or rear lot line and fifty (50') feet from the normal high water mark of any lake, stream, or other body of water.

(iii) Accessory Structures: Accessory structures, including tool sheds, trash receptacles, patios, porches, garages, and bike racks, may be erected within required setback areas, provided that no part of any accessory structures shall be located less than ten feet (10') from any side lot line and front and rear setbacks are maintained as required for the mobile home.

(iv) Buffer and Screening: All mobile home parks shall be required to provide screening such as fences, or plant materials along the property boundary line separating the park and any adjacent use. Plantings shall provide an effective screen to a height of five feet (5') at the time of planting and an effective screen to a height of eight feet (8') within five (5) years. These buffer strips shall be properly maintained at all times.

f) Streets, Parking and Access:

(i) Streets: Mobile home park streets shall be provided, designed and constructed in conformity with the construction standards of Ordinance 106, "Ordinance Regulating the Construction of Drainage Facilities," which are incorporated herein by reference, and the Storm Water Management Act of Pennsylvania, the terms of which are incorporated herein by reference and shall meet the requirements of any ordinance adopted by the Township in the future based on the Storm Water Management Act or for the regulation of road construction and/or storm water management. The Township shall not accept any mobile home park street for dedication.

(ii) **Parking:** Parking shall not be permitted on roads or drives within the mobile home park, but shall be restricted to designated parking areas either at each mobile home site or at a common location. Off-street parking for two (2) motor vehicles shall be provided at each mobile home site and off-street, common parking areas for additional vehicles of park occupants and guests shall be provided at a rate of not less than one (1) space per five (5) mobile home sites. These spaces shall be improved to a grade not greater than eight percent (8%) and shall be paved with a minimum six (6") depth of select material approved by the Township Engineer.

(iii) **Access:** There shall generally be at least two (2) points of ingress and/or egress in each mobile home park from any one (1) public right-of-way (emergency access excepted) and all driveways to individual units along a public right-of-way shall front on an interior access drive. Accesses shall be separated by at least one hundred fifty feet (150') where they intersect with a public street.

(iv) **Lot Frontage:** Mobile home sites and parking spaces shall have direct access to frontage on the interior park street system. Mobile home sites and parking spaces shall not front or have access directly to public roads or streets or to private roads or streets passing through the mobile home park and providing access to other parcels or developments.

(v) **Illumination:** All mobile home parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights, as will provide adequate levels of illumination for a safe movement of pedestrians and vehicles at night.

g) **Walks:**

(i) **General Requirements:** All parks shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the parks, streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

(ii) **Common Walk System:** Where pedestrian traffic is concentrated, and a common walk system is provided, such common walks shall have a minimum width of three and one-half feet (3-1/2').

(iii) **Individual Walks:** All mobile home lots shall be connected to common walks, or to streets, or to driveways or parking spaces connected to a paved street. Such individual walks shall have a minimum width of two feet (2').

h) Utilities:

(i) Water Supply and Sewage Disposal: Mobile home parks shall be served by a central water supply and a central or community sewage disposal system as required by Ordinance 107.9(c) and Ordinance 202 and connections shall be made to each mobile home site and any other wastewater producing facilities in the mobile home park. No well or sewage disposal system shall be located on an individual mobile home site.

(ii) Electric, Telephone, and Cable TV: All mobile home lots in proposed mobile home parks shall be provided with underground electric, telephone and T.V. cable (if available) service. These service systems shall be installed and maintained in accordance with local service company specifications regulating such systems and applicable Township requirements.

(iii) Central Fuel System: Any central fuel supply systems and/or central fuel storage facilities shall be installed underground in accord with generally accepted design and construction practice and in accord with all applicable state and federal regulations.

(iv) Refuse Disposal: The storage, collection and disposal of refuse in the mobile home park shall be so managed as to create no health hazards or air pollution. All refuse shall be stored in fly tight, watertight, rodent-proof containers, which shall be located not more than one hundred fifty feet (150') away from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Protection. Rubbish shall be collected and disposed of at a facility approved by the Pennsylvania Department of Environmental Protection as frequently as may be necessary to insure that the containers shall not overflow.

i) Recreation Area: A common recreational area of land, consisting of ten percent (10%) of the total area of the park shall be maintained within the park for the common use of park residents only. This area shall generally be suitable for active recreation and shall be of suitable configuration, with less than ten percent (10%) slope and free of hazards to permit recreational use. Fifty percent (50%) of this area shall be designed, equipped and properly maintained for active recreational use in the mobile home park. Plans for development of the recreational area and facilities shall be submitted by the applicant for approval by the Board of Supervisors.

j) Landscaping and Outdoor Living Recreation:

(i) Landscaping: Screen planting shall be provided adequate to effectively screen objectionable views within a reasonable time. Views

to be screened include laundry drying yards, garbage and trash collection stations, non-residential uses, and rear yards of adjacent properties. Other planting shall be adequate in size, quantity, and character to provide an attractive setting for the mobile homes and other improvements, to provide adequate privacy and pleasant outlooks for living units, to minimize reflected glare and to afford summer shade. An overall landscaping plan shall be submitted by the developer for approval by the Board of Supervisors. All landscaping and associated vegetation shall be maintained in a good and healthy condition.

(ii) Private Areas: Private outdoor living and service space shall be provided for each mobile home and shall be partially paved or otherwise surfaced to provide a durable, mud and dust-free surface. The minimum area shall be not less than three hundred (300) square feet with the smallest dimension of fifteen feet (15'). The paved area shall be not less than one hundred (100) square feet with the smallest dimension of ten feet (10').

6. Non-Residential Uses: No part of any park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park including for example, service buildings, park office, laundry facilities, and recreational facilities for the sole use and benefit of park residents. Such non-residential structures shall be located on a separate site not fronting on any public right-of-way and shall not be located less than fifty feet (50') to any mobile home site or interior park road. All non-residential uses shall be screened from view from any public road and adjoining properties but in no case shall a non-residential use be located less than two hundred feet (200') from any public road right-of-way or one hundred feet (100') from adjoining property lines. Natural vegetation shall be maintained to the greatest extent possible. Vegetative plantings of sufficient density or fencing of such design to affect the required screening shall be required in lieu of natural vegetation.

7. Individual Mobile Homes

- (a) Transport: A mobile home that is being hauled or towed may be parked on any public street or alley in the same manner and for the same period as allowed for the parking of automobiles by the Automobile Parking Ordinance of the Township, or twelve (12) hours.
- (b) Location: A mobile home may be located outside of a mobile home park as long as the land and mobile home are owned by the same individual and the mobile home is used for single-family occupancy. In such case, there shall be no other occupied buildings or residences on such property, and all of the terms and the conditions of the Subdivision and Land Development Ordinance and the Zoning Ordinance shall be complied with. Provided further:

12/7/12

5/29/13

- (i) The mobile home must have all of its wheels removed and must be placed on a permanent, cinder-block or concrete foundation complying with the terms and conditions of the Building Code.
- (ii) The mobile home must be set and fastened to the foundation, with its wheels removed, within thirty (30) days from the date that the mobile home is first placed or located on the property.
- (c) Permit: A Zoning Permit shall be required for the installation of such homes and such homes shall comply with all other applicable Township ordinances and regulations that govern single-family dwellings.

1) Administration:

a) Permits and License:

- (i) Initial Permit: No mobile home park shall be constructed, opened, altered or expanded without the approval of the Township pursuant to the procedures and standards of this Ordinance.
- (ii) License: In addition to the initial land development approval, an annual license shall be required for all mobile home parks. Upon approval of the entire Final Plan and payment of the required fees, the Board of Supervisors shall issue a mobile home park license to the owner which shall be valid for a period of one (1) year thereafter. Fees for the annual license shall be established by resolution of the Board of Supervisors.
- (iii) Posting of License: There shall be a building at every mobile home park in which the office of the person in charge of the park is located. It shall be the responsibility of the permittee to maintain in such office a copy of the license for the park, the mobile home park register, and one (1) set of the plans for the park, all of which shall be on display to the public.
- (iv) Renewal of License: Any mobile home park license shall be valid for a one (1) year period and may be renewed on an annual basis following an inspection by the Board of Supervisors or their designee to determine compliance with this Ordinance and any conditions of approval.
- (v) Revocation of License: Any mobile home park license is subject to revocation for the violation of any provision of this Ordinance, any condition of license approval, or any other Ordinance of the Township, or of any laws or regulations of the Commonwealth of Pennsylvania. If the Township determines a violation exists, the Township shall notify license holder of said violation and the

license holder shall thereafter correct the said violation as directed by the Board of Supervisors. If the license holder fails to correct the violation as required by the Township, the Township shall take action in accordance with Section 110.22 of this Ordinance and Ordinance 107.12.

- b) Responsibilities of License Holder: It is the duty of the license holder and of the individual in charge of any mobile home park to:
 - i. Keep a register of the names and addresses of all occupants, which shall be open at all times to inspection by Officers of the Township.
 - ii. Maintain the mobile home park in a clean, orderly, and sanitary condition at all times.
 - iii. See that the provisions of this Ordinance are complied with and report promptly to the proper authorities any violations of this Ordinance, or of any other law, that may come to their attention.
 - iv. Report to the Board of Health all cases of persons or animals suspected of being infected with any communicable disease.
 - v. Prevent the running loose of dogs, cats, or other animals.
 - vi. Maintain in convenient places, approved by the fire department, hand fire extinguishers in the ratio of one (1) to each eight (8) units of mobile homes.
 - vii. Prohibit the lighting of open fires on the premises.
 - viii. Prohibit the use of any mobile home by a greater number of occupants than it is designed to accommodate.
 - ix. Prohibit the parking of any mobile home for use as living quarters if it does not contain a minimum of seven hundred fifty (750) square feet.
- c) Compliance of Existing Mobile Home park:
 - (i) Application: The regulations of this Ordinance shall apply to all extensions or enlargements of existing mobile home parks, including cases where the number of mobile home lots is increased even though the total land of any park is not increased. These regulations shall apply in addition to any State requirements.
 - (ii) Location: All new and replacement homes in an existing mobile home park shall at a minimum comply with Section 110.17.m.1.

- (iii) License: Licenses shall be required for existing parks. Within six (6) months of the enactment of this Ordinance, every owner or operator of a mobile home in the Township, shall, by letter, apply for a license to operate said park. Such application shall include a statement of the number of mobile homes presently paced in such park and shall be accompanied by a map showing the rights-of-way, boundaries of the tract, acreage contained therein, the layout of streets and lots and existing community facilities. A license to operate for one year shall be issued and regularly renewed regardless of non-conformities, so long as the total number of mobile home lots is not increased and provisions regarding replacement homes are followed.
- (iv) Inspections: The Township Board of Supervisors, and other persons it may from time to time designate on its behalf, are hereby designated as inspectors for this Ordinance. Additional inspectors may be designated at the discretion of the Board of Supervisors.

N) Multi-family dwellings. In addition to the procedures and standards for land development in Ordinance 107, and the provisions of this and any other applicable Ordinances of the Township, the following regulations apply:

1. Number of dwelling units: The total number of dwelling units permitted shall be determined by dividing the lot area by the allowable density in the applicable zoning district.
2. Common Area. All areas of a multi-family development not conveyed to individual owners and not occupied by buildings or proposed improvements shall remain as permanent common area. The following requirements and criteria shall be adhered to:
 - a) The location, shape, size, and character of common area shall be consistent with the objectives of this Ordinance concerning the conservation of natural resources and the creative use of land to provide a living environment of stable character, with natural features constraints determined by the natural features analysis, above (110.16(D)(4)(c)(i)). No less than twenty-five percent (25%) of the common area shall be preserved in its natural condition.
 - b) Whenever possible, common area shall be designed as a contiguous area interspersed with residential areas, with pedestrian and visual access available to all residents.
 - c) Significant natural features such as woodland areas, large trees, natural watercourses and bodies of water, rock out-croppings,

and scenic views shall be incorporated into common area whenever possible.

- d) At least fifty percent (50%) of the designated common area shall be usable for active recreational activities and shall not include wetlands, quarries, slopes over twenty-five (25%), or areas used for improvements.
- e) The application for Conditional Use approval shall include a plan and proposed agreement, either with the Township or a property owners association, for the purpose of dedicating, in perpetuity, the exclusive use and/or ownership of the common area required by this Ordinance to the prospective dwelling unit owners or occupants. Such agreement may be incorporated in the applicant's proposed covenants and restrictions, and shall provide, to the satisfaction of the Township, that maintenance and use of the common area, regardless of ownership, shall be restricted to activities intended for the sold benefit and enjoyment of the residents of the proposed dwelling units.
- f) Common area shall be preserved and maintained so that its use and enjoyment as common area is not diminished or destroyed, either by dedication to a property owners association that assumes full responsibility for its maintenance, or by deed-restricted private ownership that prevents development of the common area, provides for its maintenance, and protects the rights of owners or occupants of the dwelling units to its use and enjoyment, in perpetuity.

3. Location. No multi-family development shall be permitted within one hundred feet (100') of any Zoning District where multi-family dwellings are not permitted unless there is a one hundred foot (100') setback of all buildings and project improvements from the property lines of any adjacent parcels. Project improvement include buildings, road, parking areas, lighting, stormwater management facilities, sewage treatment facilities, effluent disposal areas, signs, recreational facilities and other, similar improvements.

4. Number of dwelling units. No multi-family building shall include more than eight (8) dwelling units.

5. Access. No multi-family development shall be served by more than one (1) access to any public highway unless topographic or other physical circumstances dictate the use of more than one (1) access for safety reasons. Such access shall be well defined by curbing, fencing, landscaping, or other means to prevent vehicular access by any route by any route other than the defined route.

6. Road design and construction. All roads shall be designed and constructed in compliance with the standards of Ordinance 106 and 107.

7. Parking. Provisions for parking shall comply with Section 110.14 of this Ordinance. In addition to the two (2) spaces per dwelling unit required by Section 110.14.A.2, there shall be one(1) space to accommodate parking needs during sales and other peak visitation periods for every two (2) units intended for rental or other transient occupancy. No more than sixty (60) parking spaces shall be included in one 91) lot, nor more than fifteen (15) spaces in a continuous row without an interruption for landscaping. All off-street parking shall be adequately lighted and designed so as to direct light away from adjacent properties and roads. Each parking area shall have a defined entrance and exit to prevent vehicles from backing into any access road.

8. Walkways. Pedestrian walkways shall be provided as necessary to meet the needs of the occupants of all dwelling units, including, as a minimum, connections among dwelling units, parking areas, recreational facilities, and all other improvements to which access by occupants would be required. The style and materials used to construct walkways shall be consistent with the architecture of the buildings on the site.

9. Water supply and sewage disposal. All multi-family developments shall be served only by centralized water supply systems with lateral lines extending to each site, and either a centralized or community sewage disposal system with liens running to each building and any other facilities requiring sewage disposal, including those within common area. Subsurface absorption areas shall not be placed on individual building lots and shall be a minimum of one hundred feet (100') from any public road right-of-way or exterior development property line. An area suitable for a replacement absorption area equal in size to the required are shall be provided and identified as such on the development plan.

10. Setbacks and buffers.

- a. No structure shall be constructed within fifty feet (50') of any access road serving the development or within ten feet (10') of any parking area.
- b. No structures shall be erected within a distance equal to its height from any other structure.
- c. All structures shall be setback at least one hundred feet (100') from the edge of any U.S.G.S. mapped and named stream or water body for purposes of flood protection. This provision is intended to supplement Ordinance 102, "Ordinance Regulating Construction or Development in Areas Subject to Flooding."

12/7/12

5/29/13

- d. Where a property line is not wooded or where the Board of Supervisors determines that the natural buffer is inadequate, a planting strip fifty feet (50') wide is required to act as a buffer to adjoining property and to provide privacy. A landscaping plan shall be prepared by the developer for approval by the Township.

11. Uses. Non-residential uses are not permitted in a multi-family development. Such ancillary facilities as laundry areas, service buildings, recreational facilities, or similar facilities for the sole and exclusive use of the project are permitted.

12. Storm water management. The storm water management improvements provided for the project must meet the requirements of Ordinance 106 and 107 and the intent of the Pennsylvania Storm water Management Act, Section 13, to assure that (1) the maximum rate of storm water run-off is no greater after development than before, or, (2) that the quality, velocity, and direction of resulting storm water run-off is managed in a manner that adequately protects health and shields property from possible damage.

13. Refuse. Multi-family developments with five (5) or more dwelling units shall provide at least two (2), thirty (30) gallon refuse containers (or the equivalent) for each dwelling unit. The containers must be consolidated to minimize the number of collection sites, and concrete pads of appropriate size and construction must be provided at each site. All containers and enclosure must be placed away from public view insofar as is practical and situated so they will not create a health or safety hazard, and appropriate fencing or walls of durable construction must be provided to shield refuse areas from public view without impeding access by collection vehicles.

14. Conversions of existing structures. Conversion of motels, hotels, or other existing structures to multi-family dwelling use, regardless of whether or not such conversions involve structural alteration, shall be considered multi-family subdivisions or land developments and shall be subject to the provisions of this Ordinance. If the proposed project does involve structural alterations, the Preliminary Plan shall include the certification of a registered architect or engineer that all existing structures are structurally sound and that proposed conversions will not impair structural soundness.

15. Plans, permits and approvals.

- a. No Building Permit shall be issued to the applicant until all conditions attached to the approval of any Preliminary Plan, including Department of Environmental Protection approval of the Planning Module, have been satisfied, and nothing herein shall be construed as permitting the issuance of a Building Permit prior to Preliminary Plan approval. If the Preliminary

12/7/12

5/29/13

Plan is rejected, no Conditional Use, Building or Zoning Permit shall be granted.

- b. Following Preliminary Plan approval, the developer shall provide for the installation of all required or proposed improvements, including but not limited to roads, parking areas, storm drainage facilities, recreational facilities, and lighting. Building improvements shall also be completed or guaranteed prior to the applicant's request for Final Approval. Complete final building plans shall also be submitted as part of the Final Plan application. No Certificate of Occupancy shall be issued until (1) the Final Plan is approved pursuant to the regulations of Ordinance 107, and (2) building have been completed and inspected by the Zoning Officer.
- c. No person shall sell, transfer, lease, or agree or enter into an agreement to sell or lease any land, building, or interests in the individual dwelling units to be created until Final Plan approval has been granted, a Certificate of Occupancy has been issued, and the Plan has been recorded in the Office of the County Recorder of Deeds.

16. Planned Residential Development Standards. To the extent that they are more rigorous than those included herein, the standards of Ordinance 109, "Ordinance Regulating Planned Residential Development", shall apply to all multi-family developments including fifty (50) or more acres. None of the exceptions to the Zoning or Subdivision and Land Development Ordinances provided for PRD's shall apply to such developments, however, and they shall not be considered PRD's.

O) Multi-unit offices and research laboratories.

1) Multi-unit offices shall be designed for professional, executive, and administrative uses. Scientific or research laboratories may include incidental pilot plants for the testing of products or materials provided, however, that no more than twenty-five percent (25%) of the total floor area of any building shall be devoted to such incidental use.

2) The following dimensional regulations apply:

Minimum lot size	5 acres
Minimum lot width	200 feet
Maximum lot coverage	30%
Minimum front yard setback	75 feet
Minimum rear yard setback	50 feet
Minimum side yard setback	40 feet

12/7/12

5/29/13

3) Provision shall be made for off-street parking in accordance with the requirements of 110.14., below. Such off-street parking area or areas shall be permitted in the front, side, and rear yards provided, however, that no such parking area shall be located closer than ten feet (10') to any building, and provided further that:

- a. No front yard parking area shall be located within fifty feet (50') of the front street right-of-way line.
- b. Parking shall not be located within fifteen feet (15') of any property line.
- c. On corner lots, no parking shall be located within fifty feet (50') of any side street right-of-way line.

4) Performance standards. No use of land or building shall result in any:

- a. Dissemination of smoke, fumes, gas, dust, odor or any other atmospheric pollutant beyond the boundaries of the lot occupied by the use.
- b. Noise audible beyond the boundaries of the immediate site.
- c. Dissemination of glare or vibration beyond the immediate site.
- d. Hazards to life or property.

P) Office of property owners associations and temporary offices of developers. Any such office must exclusively serve a subdivision of at least eight (8) lots and be located within it. Provided, further, that the use of a developer's office in a major subdivision shall be a temporary use, and shall end when the sale of eighty percent (80%) of the lots in the major subdivision has taken place, or when the major subdivisions is turned over to a property owners association, whichever occurs first. All such temporary developer's offices in major subdivision shall be located in structures appropriate for use as dwelling units when the office is closed as provided herein.

Q) Recreational facilities and structures. No outdoor facility or structure shall be located closer than one hundred feet (100') to any property line. There shall be a screen of trees, shrubs, or fencing at least six feet (6') high and four feet (4') deep along any part of the property line that abuts a property on which a residential dwelling exists at the time the recreational facility or structure is developed. Access drives shall be at least twenty-five feet (25') wide. Outside lighting shall be directed away from adjacent properties.

R) Riding or boarding stables, public. The standards for recreational facilities (q, above) apply, except that no outdoor facility or structure shall be located closer than two hundred feet (200') to any property line. Minimum lot size is five (5) acres for up to six (6) horses or stalls and for each additional horse or stall, one-half (1/2) additional acre.

12/7/12

5/29/13

S) Shopping Centers.

1. Shopping centers shall be single, discrete entities, including a building or buildings containing space for lease or sale. Access shall be only from public roads access is not permitted directly between separate shopping centers.
2. A shopping center shall be designed as a single, self-contained tract of land, consisting of a harmonious arrangement of structures, open space, pedestrian and vehicular traffic, and parking areas so as to create a safe, convenient, and functionally efficient whole.
3. There shall be a buffer area along and within all property lines, used for no other propose than landscaping. The buffer shall consist of trees, shrubbery, flowers, grass, or other foliage, and shall be no less than twenty-five feet (25') deep. No sign or other advertising device may be placed within the buffer area.
4. Lighting shall be directed away from abutting properties.
5. The following dimensional regulations apply:

Minimum lot size	4 acres
Minimum lot width	300 feet
Maximum lot coverage	40%
Minimum front yard setback	75 feet
Minimum rear yard setback	40 feet
Minimum side yard setback	30 feet

6. Access to public roads shall be no less than two hundred fifty feet (250') from any public road intersection. Points of access shall be designed so that undue congestion or interference with normal traffic flow does not occur. Not more than one (1) point of access is allowed on any abutting road. On state roads, Pennsylvania Department of Transportation regulations shall apply.
7. Off-street parking and loading spaces shall be included as an integral part of the site (see 110.14), be physically separated from public roads, be paved with bituminous or concrete material equivalent to the required other similar devices, which islands shall not extend beyond twelve (12) parking spaces without a break. Parking areas shall be lighted so that no part is in total darkness during the night-time use.

T) Subdivision facilities and amenities. Structures and uses normally included among the facilities or amenities of residential subdivisions shall be subject to the standards applicable to other similar structures and uses described elsewhere in this Ordinance, or, if no such standards exist, such structures and uses shall be subject to standards developed at the time of the Conditional Use application. Some example of the facilities and amenities that might be included is maintenance buildings, swimming pools, tennis courts, and basketball courts. All such facilities and amenities shall be located within the residential subdivision shall be for the exclusive use of its residents shall, with the exception of public utility facilities, become the property of any property owners association is established and shall not be located closer than

12/7/12

5/29/13

one hundred feet (100') to any residential lot. The setback of one hundred feet (100') shall not apply, however, to lakes, ponds, or other bodies of water intended for the recreational use of subdivision residents or school bus stop shelters, nor to school bus access or school parking lots used exclusively in connection therewith. No motor vehicle shall remain in this area other than for the purposes of discharging or receiving school children, and they may not remain in such area for more than sixty (60) minutes during the discharge and receiving of children. No commercial facilities or uses shall be permitted, except for temporary offices of developers (see Subsection p, above.)

U) Warehouse and storage unit structures.

1. The following dimensional regulations apply:

	Storage Unit Structures	Warehouse
Minimum Lot Size	3 acres	2 acres up to 8,000 sq. ft.; Each ½ acre for additional 4,000 sq. ft.
Minimum Lot Width	200 ft.	200 ft.
Maximum Lot Coverage	50%	30%
Minimum Front Yard Setback	50 ft.	60 ft.
Maximum Rear Yard Setback	25ft.	30 ft.
Maximum Side Yard Setback	25 ft.	30 ft.
Maximum Building Height	1 story or 2 story 35 ft.	1 story or 2 story 35 ft.
Minimum Distance Between Buildings	20 ft.	20 ft.

2. Screening, landscaping, and esthetics.

Warehouses and storage unit structures shall be screened by maintaining natural vegetation to the greatest extent possible. Where natural vegetation does not provide adequate screening for adjoining properties and public road rights-of-way, a dense planting of spruce, arborvitae, or other such evergreen, not less than five feet (5') high, shall be provided in all yard areas. Said plantings shall be maintained in good growing condition, and, whenever necessary, plantings shall be replaced to insure continued compliance with screening requirements. Except for access drives, there shall be no uses or structures within the buffer area. A landscaping plan shall be submitted with the Conditional Use application. Only earth tone building colors shall be used.

3. Exterior colors. The exteriors of all structures shall be earth-tone colors to complement the landscaping plan and blend with the natural vegetative surrounding of the site. Colors may include drab, muted, low intensity colors such as brown, tan, gray, olive, and similar shades but shall not include bright primary, secondary, or similar high intensity colors such as red, yellow, blue, green, orange, purple, and white.

12/7/12

5/29/13

Samples of proposed colors shall be submitted as part of the Conditional Use application, and the use of specific colors shall be a condition of approval.

4. Fencing. Properties on which storage unit structures are located shall be surrounded by a six foot (6') high fence of such design as to restrict access, which fence shall be located between the storage unit structure and the screening required in Section (2), above.

5. Access. Any access road serving warehouse and storage unit structures shall be defined by curbing, landscaping, fencing, or other appropriate means of restricting access. Access to any public road shall be no less than two hundred fifty feet (250') from any public road intersection. All regulations of the Pennsylvania Department of Transportation must be observed, and evidence that such regulations have been satisfied must be presented as part of the Conditional Use application.

6. Parking and loading facilities. Parking and loading facilities shall, at a minimum, comply with Section 110.14, below. In addition, they shall be designed to correspond to the design requirements of the proposed warehouse or storage unit structure. All access, parking, and loading areas shall be paved as required by Ordinance 106. A paved area not less than twelve feet unobstructed loading space not less than thirty feet (30') long, perpendicular to the building, shall be provided at each loading entrance in a storage unit structure. If storage unit structures are located so that loading entrances of any such structure are face to face, then an obstructed loading space of fifty feet (50') shall be provided between such loading entrances. Parking spaces in addition to the unobstructed spaces required above are not required for storage unit structures.

7. Soil Erosion and Sediment Control Plan. An approved Soil Erosion and Sedimentation Control Plan meeting the requirements of the Pike County Conservation District and the Pennsylvania Department of Environmental Resources shall be submitted for approval as part of the Conditional use application and implemented.

8. Drainage. A storm water drainage plan meeting the requirements of Ordinance 107.9 (d) shall be submitted for approval as part of the Conditional use application and implemented.

9. General prohibitions. No warehouse or storage unit structure shall be used for any other purpose than storage, including, without exception, any other kind of commercial activity. All such structures shall not be used for residential purposes, and storage unit structures shall not be served by water supply or sewage disposal systems. No materials, supplies, equipment, or goods of any kind shall be stored outside the warehouse and storage unit structures except vehicles required for their operation.

10. Performing standards. All warehouses and storage unit structures shall comply with the performance standards for industrial uses provided in Section 110.17(j)(3). Storage unit structures shall not be used for the storage or keeping of animals food or any perishable, corrosive, explosive, flammable, or otherwise dangerous substances or materials.

12/7/12

5/29/13

11. Lighting. All warehouses and storage unit structures shall be provided with outdoor lighting adequate for security purposes. Such lighting shall be so directed as to prevent glare on adjoining properties.

12. Additional information required. All Conditional Use application shall include detailed information about the nature and quantity of materials to be stored on the premises. Proposed space rental agreements shall be submitted, providing specific rules and regulations to ensure that the requirements of this Subsection are or will be satisfied. Requirement of such rules and regulations may be made a condition of approval.

V) Service Establishments in the Rural Residential District.

1. Intent: The intent of this Section is to provide for small areas of low impact commercial development in the RR District to meet the personal service needs of residents and tourists. Such development shall be consistent with the RR District Intent set forth in Section 110.6.B.2 of this Ordinance, and shall only be permitted at an intensity and scale appropriate to and consistent with the rural character of the Rural Residential District.

2. Conditional Use: Any Service Establishment proposed in the Rural Residential District shall be considered a Conditional Use. The Board of Supervisors shall further, in accord with Section 913.2 of the Pennsylvania Municipalities Planning Code, attach any and all reasonable conditions required to meet the intent of this Ordinance and otherwise protect the public health, safety and general welfare.

3. Bulk Regulations: The following bulk requirement shall apply to any Service Establishment proposed in the Rural Residential District:

- Minimum lot size: 2 acre
- Setbacks (yards):
 - Front 40 ft.
 - Side 25 ft.
 - Rear 25 ft.
- Maximum building height: 35 ft.
- Maximum floor area:
 - Gross floor area of all buildings on the lot shall not exceed: 2,500 square ft.
- Maximum lot coverage: 25% or ½ acre, whichever is smaller.

4. Parking and Loading Areas: Parking and access for the proposed use shall be provided in accord with Section 110.14, "Parking and Loading", of this Ordinance. In addition to the parking area setback required by Section 110.14.E., buffers may be required by the Township. No parking or loading areas shall be permitted in the front of any building or in any side or rear setback area.

12/7/12

5/29/13

5. Landscape Plan: The landscape requirements of the Section and any other required by this Zoning Ordinance must be shown on the site plan.

6. Buffers: Landscaped buffers shall be provided in all yards in order to assure the protection of adjoining uses. They shall provide visual barriers that block the glare of lights reduce noise, serve as a protective barrier by blocking physical passage to dangerous areas, reduce air pollution, dust and litter and otherwise maintain and protect the rural character of the District.

In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure and site, topographic features that may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining uses.

The width of the required buffer, as determined by the Township, shall not be less than ten feet (10').

A mix of ground cover and shrubbery vegetation and canopy trees, of varieties compatible with the local climate, shall be required so that a dense screen not less than six feet (6') high will be formed within three (3) years of planting. This may be a combination of existing and newly planted buffer materials.

Berms, landscaped walls, fences, or other similar devices compatible with the principal building design may be incorporated in the required buffer. Front yard buffers shall be provided in the same manner to a height of not less than four feet (4') however, all clear sight triangles shall be maintained.

In any case, special consideration shall be given to existing residential uses and sites where residential uses are likely to be developed. In cases where the adjoining use is a commercial use, or when two (2) or more adjacent properties are developed under a common site plan, the width and density of the buffer may be reduced if the Township determines that the proposed use and adjoining use(s) are compatible.

Design details of buffers shall be included on the site plan, and buffer shall be considered "improvements" for the purposes of guaranteeing installation in accord with the requirements for "land development" in the Township Subdivision and Land

Development Ordinance. It shall be the responsibility of the property owner to maintain all buffers in good condition and replace any dying or dead plants or deteriorating landscape material.

7. Outside Storage: There shall be no outside storage of any supplies, equipment, or other materials on the site.

8. Signs. Signs shall be permitted in accord with Ordinance 111 Sign Regulations. However, the maximum sign area of the permitted ground sign (*see* Ordinance 111) shall not exceed twelve (12) square feet.

12/7/12

5/29/13

W) Contracting Businesses and Trades in Rural Residential District.

1. Intent: The intent of this Section is to provide for the use of larger parcels in the RR District for the operation of trades and contracting businesses. Such development shall be consistent with the RR District Intent set forth in Section 110.6.B.2. of this Ordinance, and shall only be permitted at an intensity and scale appropriate to and consistent with the rural characters of the Rural Residential District.

Any contracting business or trade that involves any of the following conditions shall be considered a contractor's yard:

- The parking or storage of three (3) or more commercial vehicles.
- The part-time or full-time employment of more than two (2) persons, other than the owner(s) of the business.
- The storage of any equipment, material, or supplies used in the contracting business or trade.

Any contracting business or trade that does not involve the storage on the premises of any equipment, materials, and supplies, and not more than two (2) commercial vehicles shall not be considered a contractor's yard. The owner of such business or trade shall be permitted to park said commercial vehicles on a residential property in the RR District and shall conform to the Home Occupation standards included in this Ordinance.

2. Conditional Uses: Any contractor's yard proposed in the Rural Residential District shall be a Conditional Use. The Board of Supervisors shall further, in accord with Section 913.2 of the Pennsylvania Municipalities Planning Code, attach any and all reasonable conditions required to meet the intent of this Ordinance and otherwise protect the public health, safety, and general welfare.

3. Bulk Regulations: The following bulk requirements shall apply to any proposed contractor's yard in the Rural Residential District:

- Minimum lot size: 3.0 acres
- Setbacks (yard):
 - Front – 100 ft.
 - Side – 75 ft.
 - Rear – 75 ft.
- Maximum building height: 35 ft.
- Maximum lot coverage: 25%

4. Access, Parking, Loading, and Storage Areas: Access and parking for the proposed use shall be provided in accord with Section 110.14, Parking and Loading, of this Ordinance. In addition to the parking area setback required by Section 110.14.E, buffers may be required by the Township. The following standards shall also apply:

12/7/12

5/29/13

No parking, loading, or storage area shall be permitted in the front of any building or in any side or rear setback area.

A specific area for outdoor storage shall be designated on the premises, and such area shall not exceed ten percent (10%) of the total accomplished in accord with the buffer requirements of the Section.

A specific area for outdoor storage shall be designated on the premises, and such area shall not exceed ten percent (10%) of the total parcel area, but in no case exceed twenty thousand (20,000) square feet.

All outdoor storage areas shall be screened from the view or adjoining properties and any public road right-of-way. Such screening shall be accomplished in accord with the buffer requirements of this Section.

All access, parking, loading, and storage areas shall be improved with an all-weather surface.

5. Storage of Vehicles, Equipment, Materials, and Supplies: All vehicles, equipment, materials, and supplies associated with the contractor's yard shall be stored inside a building or within a designated storage area.

6. Landscape Plan: The landscape requirements of this section and any other required by this ordinance must be shown on the site plan.

7. Buffers: Landscaped buffers shall be provided in all yards in order to assure the protection of adjoining use. They shall provide visual barriers that block the glare of lights reduce noise serve as a protective barrier be blocking physical passage to dangerous areas reduce air pollution, dust, and litter and otherwise maintain and protect the rural character of the District.

In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure and site, topographic features that may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to the adjoining uses.

The width of the required buffer, as determined by the Township, shall not be less than ten feet (10').

A mix of ground cover, shrubbery vegetation, and canopy trees of varieties compatible with the local climate, shall be required so that dense screen not less than six feet (6') high will be formed within three (3) years of planting. This may be a combination of existing and newly planted buffer material.

Berms, landscaped walls, fences, or other, similar visual barriers compatible with the principal building design, may be incorporated in the required buffer. Front yard buffers shall be provided in the same manner to a height of not less than four feet (4') however, all clear sight triangle shall be maintained.

12/7/12

5/29/13

In any case, special consideration shall be given to existing residential uses are likely to be developed. In cases where the adjoining use is a commercial use, where the adjoining use is a commercial use, or when two (2) or more adjacent properties are developed under a common site plan, the width and density of the buffer may be reduced if the Townships determines that the proposed use an adjoining uses(s) are compatible.

Design details of buffers shall be included on the site plan and buffers shall be considered “improvements” for the purposes of guaranteeing installation in accord with the requirements of “land development” in the Township Subdivision and Land

Development Ordinance. It shall be the responsibility of the property owner to maintain all buffers in good condition and replace any dying or dead plants or deteriorating landscape material.

8. Employees: Not more than five (5) persons, including the owner(s), shall be employed on the premises.

9. Hours of Operation: Any activity on the property that is related to the operation of business or trade shall be confined to the hours of 6:30 a.m. to 8:00 p.m.

10. Signs: Signs shall be permitted in accord with Ordinance 111 Sign Regulations. However, the maximum sign are of the permitted ground sign shall not exceed twelve (12) square feet.

X) Studios:

1. The applicants will provide the maximum number of students per class, if any, for purposes of determining the effect on sewage and parking.

2. One parking space will be required for every employee and every one and one-half (1 ½) students.

Y) Multi-Unit Retail Center:

1. The following dimensional regulations apply:

Minimum business size:	500 sq. ft. per business
Minimum lot size:	2 acre
Minimum lot width:	200 ft.
Maximum lot coverage:	40%
Minimum front yard coverage:	60 ft.
Minimum rear yard setback:	30 ft.
Minimum side yard setback:	20 ft.

2. One (1) off-street parking space shall be provided for each full time employee per business and for every 100 square feet of publicly accessible space.

3. The design and construction of parking areas shall conform to the parking and loading regulations set forth in 110.14, except that all parking and loading areas and

12/7/12

5/29/13

areas required for traffic movement (e.g. access roads) shall be separated from adjoining property lines and public road right-of-way not less than one hundred feet (100') from any residential, rural residential or public parklands zoning district. The hundred feet (100') requirement is not necessary if the two zones are separated by a public roadway.

4. Each business shall have its own sanitary facilities.

5. The front façade of the structure shall be earth tone in color and be constructed of natural material such as wood, stone or brick and shall be determined by the main entrance to the structure.

6. The sewage system shall provide adequate capacity for all business uses as verified by the SEO.

Z) Fuel Transfer Station/Bulk Fuel Storage Facility

1. The following dimensional regulations apply:

Minimum lot size	twenty (20) acre
Minimum lot width	one thousand (1000') feet
Maximum lot coverage	five (5%) percent
Minimum front yard setback	one thousand (1000') feet
Minimum rear yard setback	one thousand (1000') feet
Minimum side yard setback	five hundred (500') feet

2. There shall be no emission of any smoke, fumes, gas, odors, or any other atmospheric pollutant that will disseminate beyond the boundaries of the lot occupied by a use that is detectable without the use of instruments, or that may cause any damage to human health or to animals, vegetation, or other forms of property.

3. The intent of this conditional use is to provide areas for the storage and distribution of fuel in a clean and orderly fashion without health or environmental hazard to the community. No same type fuel transfer station/bulk fuel storage facility shall be duplicated within the Township boundaries. The Township may, at its sole discretion, add such conditions that in its sole opinion shall reasonably protect the health, safety and welfare of the Township, its residents and visitors, including but not limited to moats, containment areas or barriers, drainage lines and other measures.

4. No construction of any structure or building shall be within one hundred (100') feet from any residential or rural residential zone property line.

5. A buffer area shall be maintained around the periphery of the property and shall correspond with minimum setbacks provided that adequate screening is maintained. There shall be no use or structure within this area other than signs, fences and access drivers.

12/7/12

5/29/13

- a. All fences shall contain at least one gate minimum twelve (12') feet on all sides of facility for emergency access.
6. Three sets of an Emergency Management Plan and Spill Prevention Response Plan shall be provided by the applicant in form acceptable by the Township.
7. An as built of any structures or buildings shall be provided to the local Fire Department within fourteen (14) days from the date of use.
8. Thirty thousand (30,000) gallons of fuel storage shall be permitted for each full acre of an additional twenty thousand (20,000) gallons maximum added for additional property in excess of ½ acres.
 - a. all installation of tanks/piping shall comply with the current edition of NFPA 58 "LP-Gas Code" and NFPA – 30 "Flammable Liquids Code."
9. All State and Federal laws regarding the storage of fuel, as amended, shall be strictly followed and said laws are incorporated herein as though set forth in full.
10. Copies of all State and Federal permits shall be provided to the Township prior to the issuance of a Certificate of Occupancy.
11. Points of vehicular access shall be designed to minimize congestion and hazards at entrance and exit points, and to allow free movement of traffic on adjacent roads.
 - a. Fire Department access shall be provided by paved road or gravel for a full 360 degree not more than 250 feet from tank sites.
12. The design and construction of parking areas shall conform to the parking and loading regulations set forth in 110.14, except that all parking and loading areas and areas required for traffic movement (e.g. access roads) shall be separated from adjoining property lines and public road right-of-way not less than one hundred (100') feet from any residential, rural residential or public park lands zoning district line. The one hundred (100') foot requirements are not necessary if the two (2) zones are separated by a public roadway.
13. The sewage system shall provide adequate capacity for the use as verified by the S.E.O.
14. A concrete pad six (6") inches thick, fifty (50') feet long by twenty (20') feet wide, shall be required for all fill areas.
15. An on-site water supply in an NFPA approved underground cistern of not less than 15,000 gallons (250 gal/per/min x 60 minutes) equipped with drafting and fill connections compatible with Delaware Township Volunteer Fire Company equipment shall be provided along main access road to facility, not less than 500 feet from the storage tank site.

12/7/12

5/29/13

16. All tanks and structures shall comply with Township ordinances relating to “hazardous Materials Identification and Control” and “Spill Prevention/Containment.”

AA) Adult Business

SECTION 1

FINDING: The Delaware Township Board of Supervisors, in adopting the standards which apply to adult businesses, has made the following findings in regard to the secondary effects which adult businesses have on the health, safety and welfare of the citizens of Delaware Township based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Board of Supervisors, and on finds incorporated in the cases of *City of Renton v. Playtime Theaters, Inc.*, 475 US 41 (1986), and on studies of other communities including, but not limited to, Austin, Texas, New York City, New York and Indianapolis, Indiana.

A) The concern over sexually transmitted diseases is a legitimate health concern of Delaware Township which demands reasonable regulations of adult businesses and adult uses in order to protect the health and well-being of the citizens.

B) Sexual acts, including masturbation, oral and anal sex, occurs at sexually oriented businesses, especially those which provide private or semiprivate booths or cubical for viewing films, videos or live sex shows, as regulated by this ordinance as adult bookstores, adult novelty shops, adult video stores, adult motion picture theaters, or adult arcades.

C) Offering and providing such space, encourages such activities, which create unhealthy conditions.

D) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

E) Classifying adult businesses as conditional uses is a reasonable means of accountability to ensure that operators of adult businesses comply with reasonable regulations and conditions, and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.

F) There is convincing documented evidence that adult businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime, the down grading of property values, and the decline of the overall character of the community. A number of municipal studies, including the 1986 Austin, Texas Study, have demonstrated this.

G) The Township desires to minimize and control these adverse secondary effects and thereby protect the health, safety and welfare of the citizenry, protect the citizens

12/7/12

5/29/13

from increased crime, preserve the quality of life, preserve property values and the character of the surrounding community.

H) The Township desires to recognize its own unique cultures and styles which result in difference tolerances for what is deemed as obscene.

SECTION 2

INTENT: It is the intent of this section to regulate adult businesses in order to promote the public health, safety and welfare by minimizing the secondary effects on the community which are associates with such businesses, and which include difficulties for law enforcement, trash, disposal, deleterious effects on businesses and residential property values, increased crime (particularly the corruption of morals of minors and prostitution), and drive residents and businesses to move elsewhere by designating a zoning district where adult businesses are permitted, and establish reasonable, content neutral standards applicable to such uses that will have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented or adult materials, not totally restrict or deny access by adults to sexually oriented materials or adult materials protected by the first amendment of the bill of rights of the United State Constitution, not deny access by the distributors and exhibitors of sexually oriented entertainment to their intended marker, nor not condone or legitimize the distribution of obscene material, or to encourage any violation of 18 Pa. C.S.A. Section 5904 entitled “obscene and other materials and performances” or 68 Pa. C.S.A. Section 5501 et seq. entitled “adult-orientation establishments” or the Pennsylvania Obscenity Code, as amended.

SECTION 3

STANDARDS: In addition to the other applicable general standards and other conditional use criteria contained in this ordinance, the following standards shall apply to adult businesses:

A) Setbacks: Adult businesses shall not be located less than:

1. One hundred (100’) feet from any property line or public road right-of-way.
2. Less than One thousand (1000”) lineal feet from any:
 - a. Residence
 - b. Group Care Facility
 - c. Commercial enterprises catering primarily to person under eighteen (18) years of age.
 - d. Public or semipublic building or use
 - e. Church or Synagogue
 - f. Public or Private School
 - g. Public Park or Public Recreation Facility
 - h. Health Facility
 - i. Any Establishment That Sells Alcoholic Beverages

12/7/12

5/29/13

j. Day Care Facility

B) Similar Businesses: Adult businesses shall not be located within one thousand (1000') lineal feet of any existing adult business.

C) Measurement: The setback distances established in this section shall be as measured from the nearest edge of the building used for the subject use, measured in a straight line (without regard to intervening structures or objects) to the nearest lot line of the premises of a use from which the required setback applies.

D) Limit of one use: It shall be a violation of this ordinance for any person to cause or permit: the operation, establishment, or maintenance of more than one adult business in the same building, structure or portion thereof, or an increase of floor area of any adult business in any building, structure, or portion thereof that contains another adult business.

E) Alcohol: No adult business shall be operated in combination with the sale, consumption or possession of alcoholic beverages on or about the premises regardless of whether alcoholic beverages are furnished by the adult business or brought into the premises by patron.

F) Visibility and Signs: See Ordinance 111.

G) Exemption for Modeling Class: This Section shall not apply to a person appearing in a state of nudity in a modeling class operated:

1. By a proprietary school, licensed by the State, or an academically accredited college or university.
2. By a private college or university which maintains and operates education programs in which credits are transferable to a College, Jr. College or University supported entirely or partly by taxation.

H) Strict Compliance: Adult businesses shall comply with the provisions of 18 Pa. C.S.A. Section 5903 and 68 Pa. C.S.A. Section 5501 et seq. as amended.

SECTION 4

A) Severability – the provisions of this section are severable and if any section, subsection, clause, sentence or part thereof shall be held or declared illegal, invalid or unconstitutional by any court of competent jurisdiction, the decision shall not effect or impair any of the remaining sections, subsections, clauses, sentences or parts thereof, or this section it is hereby declared to be the intent of the Board of Supervisors of Delaware Township that this subsection, clause, sentence or part thereof had not been included herein.

B) Repealer – all other sections or parts of sections inconsistent herewith are hereby repealed to the extent of any such inconsistency.

12/7/12

5/29/13

BB) Commercial Parking

1. All commercial parking footprints shall be located not less than one hundred feet (100') from residential and rural residential zone lines.
2. All commercial parking area shall be paved in accordance with Township standards as defined in Ordinance 106.6.C. Paving Parking Area.
3. All commercial parking shall be required to have artificial or natural screening such as, but not limited to, fences, and/or berms and plantings separating the parking from any adjacent use or roadway. Plantings shall provide an effective screen to a height of five (5') feet at the time of planting and to a height of ten (10') feet within five (5) years. Street-side screening shall be through natural materials of sufficient height and density to block the view of the interior during all months of a year, except for an entryway, which shall not be in excess of 50 feet wide. Screening should be set back 20 feet from road so as not to create sight distance problem. Screening shall be properly maintained at all times. Fencing shall be a minimum of ten (10') feet and completely enclose the commercial parking area. Fencing shall be equipped with slots to block the view of the property's contents. Slats or other appropriate materials shall be earth tone in color.
4. Parking shall not be permitted on drives within the boundary lines and parking grid, but shall be restricted to designated parking areas only. Isle spacing shall be in even rows and at widths necessary to maintain an orderly parking of vehicles, with specific parking lanes and lines designated thereon.
5. The following dimensional regulations shall apply:

Maximum lot coverage	50%
Minimum lot size	2 acre
Minimum front yard setback	40 ft.
Minimum rear yard setback	25 ft.
Minimum side yard setback	25 ft.

6. All items stored on the property shall not present any health or environmental hazard to the community.
7. Applicant will provide a dimensional parking lot layout plan to demonstrate that sufficient parking space, access aisle width and turning radii are provided to permit free access and movement of the design vehicle intended to use the parking area. A specific parking grid shall be provided depicting the division of either paved parking spaces or concrete bollards or similar stops. Vehicles should be prohibited from backing out onto the roadway.
8. No vehicle shall idle (run) for a period in excess of one (1) consecutive hour, and only between the hours of 5:00 a.m. and 11:00 p.m.

12/7/12

5/29/13

9. Documentation shall be available on site to disclose the nature and quantity of all hazmat materials to be stored on the property. Proposed space rental agreements shall be submitted providing specific rules and regulations to insure compliance with this Ordinance. Said documentation's shall be stored in a secured weatherproof box. The Delaware Township Volunteer Fire Department shall approve the box and its location, with access keys or code provided in advance to the Chief of the Delaware Township Volunteer Fire Department.

10. Points of vehicular access shall be designed to minimize congestion and hazards at entrance and exit points, and to allow free movement of traffic on adjacent roads. Access to any public road shall be no less than one hundred fifty feet (150') from any public road intersection. Additional separation distance may be required by the Township depending upon traffic volumes, patterns and the physical site constrains. All regulations of the Pennsylvania Department of Transportation must be observed, and evidence that such regulations have been satisfied must be presented as part of conditional use application.

11. An approved soil erosion and sedimentation control plan meeting the requirements of the Pike County Conservation District and the Pennsylvania Department of Environmental Protection shall be submitted for approval as part of conditional use application and implemented.

12. A storm water drainage plan meeting the requirements of Section 106.6.B of Ordinance 106 shall be submitted for approval as part of conditional use application and implemented.

13. All parking shall be provided with outdoor lighting adequate for security purposes. Such lighting shall be directed as to prevent glare on adjoining properties.

14. No repairs, washing and cleaning the interior or exterior or maintenance of vehicles shall be permitted on site.

15. No parking or storage of material shall in any way create any dangerous injurious, noxious or other objectionable conditions; unusual or excessive noise or vibration; smoke, dust, odor or other air pollution, or any other condition adverse to health, safety and welfare of the community. The owner of the property, and the owner or operator of the commercial vehicle, shall execute an affidavit that the vehicle is in compliance with this paragraph subject to 18 P.S. Section 4904 (unsworn falsifications to authorities).

16. An annual \$200 fee for license/permit will be required along with proof of liability insurance of at least one million dollars for loss/damage claim arising from circumstance created or existing on the property.

17. The owner of the property, and the owner or operator of the commercial vehicle, shall permit inspections at reasonable times by the Code Enforcement Officer, and failure to do so will constitute a violation of this ordinance.

12/7/12

5/29/13

18. The provisions of this Ordinance shall not apply to any commercial vehicle owned by or in the care of an individual when that vehicle is parked on the residential property of the owner or caretaker. No one who is at this time allowing commercial parking on their property will be grandfathered in. They will be given one year from the adoption of this ordinance to bring property into compliance; if found to be non-compliant shall be assessed as per Ordinance 110.

CC) Multi-Use Commercial Center

1. Multi-Use Commercial Centers shall be designated for multiple uses contained within one building with a height limited to a maximum of two and one-half (2 1/2) stories not exceeding thirty-five feet (35).

2. The front facade of the structure shall be earth tone in color and be constructed of natural material such as wood, stone or brick and shall be determined by the main entrance to the structure.

3. The number of occupying units will be based on one unit for each one-half (1/2) acre of lot size to a maximum of eight (8) units for a one story structure or one unit for every one third (1/3) acre of lot size to a maximum of twelve (12) units for a two story structure, with each story being not more than equal in floor area than any another story. Lot size will be calculated at full acre increments by rounding off to the lesser acre.

4. The permitted multiple uses may include professional and general offices, personal service business and retail activities such as banks, studios, grocery store, delicatessens, appliance stores, antiques stores, barber and beauty shops, Laundromats and travel agencies but excluding retail activities such as restaurants and taverns, gasoline distribution and automobile sales.

5. The following dimensional regulations apply:

Minimum business size	500 square feet per business
Minimum lot size	5 acres
Minimum lot width	200 feet
Maximum lot coverage	40%
Minimum front yard setback	75 feet
Minimum rear yard setback	40 feet
Minimum side yard setback	30 feet

6. There shall be a buffer area along and within all property lines, used for no other purposes than landscaping. The buffer shall consist of trees, shrubbery, flowers, grass, or other foliage, and shall be no less than twenty-five feet (25') deep.

7. One (1) off-street parking space shall be provided for each full time employee per business and for every 100 square feet of publicly accessible space provided that:

12/7/12

5/29/13

- (A) No front yard parking area shall be located within fifty feet (50') of the front street right-of-way line
- (B) Parking shall not be located within fifteen feet (15') of any property line.
- (C) No such parking area shall be located closer than ten feet (10') to any building.

8. The design and construction of parking areas shall conform to the parking and loading regulations set forth in 110.14 except that all parking and loading areas and areas required for traffic movement (e.g. access roads) shall separate from adjoining property lines and public road right-of-way not less than one hundred feet (100') from any residential, rural residential or public parklands zoning district line. The one hundred feet (100') requirement is not necessary if the two zones are separated by a public roadway.

9. Parking areas shall be lighted so that no part is in total darkness during the night time use.

10. Lighting shall be directed away from abutting properties.

11. Access to public roads shall be no less than two hundred fifty feet (250') from any public road intersection. Points of access shall be designated so that undue congestion or interference with normal traffic flow does not occur. Not more than one (1) point of access is allowed on any abutting road. On State roads, Pennsylvania Department of Transportation regulations shall apply.

12. Storm drainage shall be channeled to natural drainage courses and away from adjoining properties. All areas not containing structures or that are not paved shall be maintained in tree, shrubbery, and grass.

13. Each unit shall have its own sanitary facilities.

14. The sewage system shall provide adequate capacity for all business uses as certified by the SEO.

DD) Seasonal Retail Sales

1. An "as built survey" showing seasonal retail sale location using the setbacks for the existing property use. If there is an as built survey, on file, it might be used if not one will be required.

2. Show proposed traffic flow and egress and ingress on plan. Flow, egress and ingress will not cause traffic hazards on adjacent streets. Parking shall be adequate to ensure on site traffic circulation.

3. A Zoning Permit is required for all structure and or use, shall not exceed ninety days, and shall be removed three days after permit expires. All structures shall be maintained in good condition.

12/7/12

5/29/13

4. A maximum of two hundred (200) square feet of floor area shall be permitted for temporary structures. All other setbacks for that property shall apply.
5. One off street parking space shall be provided for each full time employee and a minimum of five additional spaces.
6. Hours of operation shall be no earlier than 8:00 am no later than 9:00 pm.
7. All permits shall be for a maximum of ninety days (90), with a minimum of 120 days between permits on same property.
8. Potable water supplies and sanitary facilities maybe provided in accordance with any and all regulations and requirements of all township and state agencies.

EE) Flea Market - No outdoor facility or structure shall be located closer than one hundred feet (100') to any property line. There shall be a screen of trees, shrubs six (6') feet high and four (4') feet deep or an opaque fence six feet (6') high and four feet (4') deep along any part of the property line that abuts a property on which a residential dwelling exists at the time the recreational facility or structure is developed. Access drives shall be at least fifty feet (50') wide. Outside lighting shall be directed away from adjacent properties.

- Parking shall allow three (3) spaces per 150 square feet of retail space.
- Access must not be through a residential area
- Overnight lodging is not permitted

Vehicle ingress and egress to be designed so minimal congestion hazards can be avoided Area traveled by motor vehicles should be paved with a 6" crushed stone or shale base, topped with 21/2 ID2 or CP2 Storm water drainage facilities shall be in accordance with, storm water management regulations Potable water supplies and sanitary facilities shall be provided in accordance with any and all regulations and requirements of all township and state agencies.

FF) Airports And Heliports – Airports and heliports shall be permitted if plans are approved by the Federal Aviation Administration or the Civil Aeronautics Board, and if the use does not have an adverse effect on surrounding land uses because of low altitude flights, excessive noise, and blowing dust and debris. The ends of runways must be a least one thousand feet (1000'), and the sides of runways and of helicopter pads must be at least five hundred feet (500'), from adjacent property lines and major road rights-of-way.

GG) Golf Course – The minimum size of a regulation nine (9) hole course shall be fifty (50) acres, and of regulation eighteen (18) hole course one hundred and ten (110) acres. If the course adjoins residential property, a line of trees or shrubs at least thirty feet (30') wide shall be planted along adjoining borders. Interior access roads shall connect to collector streets and shall be no more than twenty five feet (25') wide. All structures shall be at least one hundred feet (100') from any property lines.

HH) Hospitals – A minimum lot size of twenty (20) acres is required. One (1) access road at least twenty-five feet (25') wide is required.

12/7/12

5/29/13

II) Nursery Schools – The minimum lot size shall be two (2) acres. Setbacks, building heights, and lot coverage shall be the same as for Government Facilities (see 110.7) Outdoor play space with a minimum ratio of sixty-five (65 square feet per child times one-half (1/2) the total established child capacity, but in no case less than six hundred and fifty (650) square feet, is required. The outdoor play area shall adjoin the indoor space, be easily accessible, and be fenced with a chain linked fence and at least on least three feet (3') high.

JJ) Nursing Home – The minimum lot size shall be five (5) acres. Access drives shall be no less than twenty-five feet (25') wide and , in the case of a corner lot, shall be at least sixty (60') feet from the intersection of the two (2) streets, as measured from the right-of-way lines. The following regulations also apply:

Minimum lot width	250 feet
Maximum lot coverage	35%
Minimum front yard setback	100'
Minimum rear yard setback	50'
Minimum side yard setback	50'

KK) Schools – The minimum lot size shall be at least the minimum prescribed by the Pennsylvania Department of Education. Access shall be from a collector street, and access driveways shall be no more than thirty-five feet (35') wide. In the case of the corner lot, access driveways shall be at least sixty feet (60') from the intersection of the two (2) streets as measured from the right-of-way lines. Where the property abuts residential lots on its side or rear property lines, a line of trees or shrubs at least twenty feet (20') wide shall be provided. Minimum side and rear yard setback shall be one hundred feet (100').

LL) Communication Towers and Antennas –

1. The proposed installation in a specific location is necessary for the provision of service by the owner to the community.
2. The design of any tower or building or structure associated therewith must conform to the general character of the area and will not adversely affect the safe and comfortable enjoyment or property rights of adjoining property owners or of other property rights of its owner which is located.
3. Sufficient fences, noise barriers and screening will be provided, including but not limited to a buffer strip twenty (20') feet in height.
4. Adequate off street parking will be provided to meet the needs of the use.
5. All area, yard, lot coverage and setback requirements must be met:

Minimum lot size	two (2) acres
Minimum lot width	two hundred (200') feet
Minimum lot front yard	seventy five (75') feet
Minimum rear	thirty (30') feet
Minimum side	forty (40') feet

12/7/12

5/29/13

6. The applicant must demonstrate that existing towers or structures owned by the applicant cannot accommodate the equipment or use planned for the proposed tower.

7. The applicant must demonstrate that there exists no other available property which could result in a tower of lesser height than the one proposed to accomplish the needs of the applicant.

8. The proposed tower will not create conditions which will produce or generate nuisance conditions such as noise, dust, light, glare, or vibration.

9. All required F.C.C. permits shall be provided to the Township prior to issuance of permit.

MM) Telephone/Communication Carrier. Permitted as a Conditional Use under the criteria set forth in section 110.17.LL above. For purposes of this section, telephone/communication carrier tower shall include, but is not limited to, the addition of the equipment associated with the transmission of telephonic or other communication signals by common carrier to the public whether or not constructed by a new tower or added to the facilities of an existing tower.

NN) Additional tower uses:

1. In the event a permit is sought for a proposed tower which shall contain more than one transmission device, or which will lease or sell space to a separate entity or means of transmission, a Condition Use permit must be obtained for each such proposed user under the criteria set forth in section 110.17.LL above.

2. In the event the owner of an existing tower desires to sell or lease space on such tower to a different entity or for other means of communication, it may not do so except upon granting of a Conditional Use permit under the criteria set for the in section 110.17. LL.

OO) Automotive Repair:

The minimum lot size:

2 acres	40% lot coverage	40 'front setback	25' rear setback	25' side setback
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See definitions for all other specifics on this use.

PP) Convenience Store:

The minimum lot size:

2 acres	40% lot coverage	40 'front setback	25' rear setback	25' side setback
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See definitions for all other specifics on this use.

12/7/12

5/29/13

QQ). Tavern/Bar/ Cabaret

The minimum lot size:

2 acres	40% lot coverage	40' front setback	25' rear setback	25' side setback
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*See definitions for all other specifics on this use.***TT) Park**

The minimum lot size:

2 acres	40% lot coverage	n/a	n/a	n/a
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*See definitions for all other specifics on this use.***SS) Hotel/ Motel**

The minimum lot size:

2 acres	40% lot coverage	40' front setback	25' rear setback	25' side setback
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*See definitions for all other specifics on this use.***TT) Resorts – Commercial**

<u>Minor Resort</u>		<u>Major Resort (including fifty (50) or more units)</u>	
Minimum Lot Size	10 acres	Minimum Lot Size	25 Acres
Minimum Lot Width	200 Feet	Minimum lot width	500 feet
Minimum Lot Depth	200 feet	Minimum lot depth	500 feet
Maximum Lot Coverage	35%	Maximum lot coverage	35%
Minimum front yard setback	100 feet	Minimum front yard setback	200 feet
Minimum rear yard setback	75 feet	Minimum rear yard setback	150 feet
Minimum side yard setback	75 feet	Minimum side yard setback	150 feet

1. Outdoor recreational activities shall not take place closer than one hundred feet (100') to any residential property line.
2. One (1) off-street parking space shall be provided for each guest room, for every two (2) employees, and for every four (4) seats in facilities open to the general public.

See definitions for all other specifics on this use.

110.18 ZONING OFFICER

A) Appointment. The Zoning Officer, who shall not hold any elective office in the Township, shall be appointed by the Board of Supervisors.

B) Duties.

1. To administer the Zoning Ordinance in accordance with its literal terms.
2. To receive and check all applications for Zoning and Sign Permits and Certificate of Occupancy and to make notations about special conditions attached thereto.
3. To issue Zoning and Sign Permits and Certificates of Occupancy only for structures and uses that accord with the regulations of this Ordinance or as directed by the Zoning Hearing Board or a court. Zoning Permits or Certificate of Occupancy shall not be issued where a request concerns a property in a subdivision that has not been approved as required by the Ordinance Regulating Subdivision and Land Development (Ordinance 107).
4. To record and file all applications for Zoning and Sign Permits and Certificates of Occupancy, together with accompanying plans and documents, and to keep them for public record.
5. To issue Certificates of Occupancy for non-conforming uses and to examine them periodically to determine that they are not expanded beyond the limitations prescribed in this Ordinance.
6. To be responsible for keeping this Ordinance, including the Zoning Map, up to date, and to include any amendments thereto.
7. To participate in all proceedings before the Zoning Hearing Board, and to furnish whatever facts, records, and other information that the Board requests.
8. In the event of a violation of this Ordinance, to notify in writing, by registered or certified mail, the person responsible for the violation, indicating its nature, and ordering the action necessary to correct it. Such action may include an order to discontinue illegal uses of land or structures to discontinue illegal work being done or to remove illegal structures or additions, or structural alterations thereto.
9. To institute proceedings in courts of proper jurisdiction for the enforcement of the provisions of this Ordinance.

110.19 ZONING HEARING BOARD

A) Establishment. The Delaware Township Zoning Hearing Board is created by adoption of this Ordinance. The Board shall perform all duties and have all

12/7/12

5/29/13

powers prescribed by the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended (MPC), and as herein provided.

- B) Membership.** The Zoning Hearing Board shall consist of five (5) residents of the Township appointed by the Board of Supervisors for a normal term of five (5) years, starting at the date of appointment. The first appointments shall be one (1) for one (1) year, one (1) for two (2) years, and one (1) for three (3) years so that the term of one (1) member will expire each year. The governing body may appoint by resolution at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the Board in accordance with the provisions of the Municipalities Planning Code. The Zoning Hearing Board shall promptly notify the Supervisors of vacancies. Appointments to fill vacancies shall be for the unexpired portion of the term. Members of the Board shall hold no other office in the Township.
- C) Removal of members.** Any Zoning Hearing Board member may be removed for malfeasance, misfeasance, or nonfeasance in office, or for other just cause, by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) days' notice of the intent to take such a vote. A hearing shall be held prior to the vote if the member requests it in writing.
- D) Compensation.** Members of the Zoning Hearing Board may receive compensation as fixed by the Supervisors however, the amount shall not exceed that paid to the Supervisors.
- E) Organization and procedures.**
1. The Zoning Hearing Board shall elect its chairman and vice chairman from its membership. They shall serve one (1) year terms, and may succeed themselves. The Board may make, alter, and rescind rules and forms for its procedures consistent with the provisions of this Ordinance and the laws of the Commonwealth of Pennsylvania.
 2. For the taking of any action or the conduct of any hearing, a quorum shall be not less than a majority of all the member of the Board. If a quorum is not reached because one (1) or two (2) members are absent or disqualified or cannot act in a particular matter due to a conflict of interest, the chairman, vice chairman or remaining member of the Board shall designate as many alternate members as needed to provide a quorum in accordance with the Municipalities Planning Code.
 3. The Board shall keep full public records of its business and shall submit a report of its activities to the Supervisors on September 30 of each year.
 4. The Board shall hold a public hearing for every decision it must make. It may appoint any member as a hearing officer to conduct hearings. The parties to a hearing may accept the decision or findings of the hearing officer as final otherwise, a decision or findings must be made by the full Board.

12/7/12

5/29/13

- F) Meetings.** Meetings of the Zoning Hearing Board shall be held at the call of the chairman and at such other times as the Board may determine, and shall be open to the public.
- G) Minutes, transcripts, and records.** The Board or the hearing officer shall keep a stenographic record (minutes and a transcript) of the Zoning Hearing Board's proceedings. The secretary shall keep records of the Board's examination and official actions, all of which shall be filed immediately in the office of the Board and shall be a public record. A transcript of all proceedings and copies or graphic or written material received in evidence shall be made available to any party at cost. A record of all variances and special exception uses granted shall be maintained and shall be available for public inspection.
- H) Time limitation for persons aggrieved.** No person shall be allowed to file any proceeding with the Zoning Hearing Board more than thirty (30) days after any application for development has been approved by the appropriate Township officer, agency, or body if such proceeding is intended to secure reversal or to limit the approval in any manner, unless such person alleges and proves that adequate notice of such approval was not received. Adequate notice to a predecessor in interest shall be deemed adequate notice to a successor in interest.
- I) Notice of hearings.** The Zoning Hearing Board shall publish a public notice of each hearing. Further, the owners of property within three hundred feet (300') of any property for which action is requested shall be notified of the hearing by registered or certified mail not less than fifteen (15) days before the hearing. The names and current addresses of these property owners shall be supplied to the Board by the applicant, and verified by the Board. Notice shall be issued by the Board at the expense of the applicant.
- J) Parties to hearings.** The parties to a hearing shall be the Township any person affected by the application who has made timely appearance of record before the Zoning Hearing Board and any other person, including civic or community organizations, permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- K) Witness and evidence.** The chairman or acting chairman shall have the power to administer oaths and to issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including documents requested by the parties to the hearing. Such parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and to cross-examine adverse witnesses on all relevant issues. Formal rules of evidence shall not apply, but irrelevant, immaterial, and unduly repetitious evidence may be excluded.
- L) Communications with parties.** The Zoning Hearing Board or the hearing officer shall not communicate with any party or representative in connection with any

12/7/12

5/29/13

issue involved, except upon notice and opportunity for all parties to participate shall not take notice of any communication unless all parties are given an opportunity to contest the material noticed and shall not inspect a site or its surroundings after the start of hearings with any party or representative unless all parties are given the opportunity to be present.

M) Decisions.

1. The Zoning Hearing Board or the hearing officer shall render a written decision or, when no decision is called for, make written findings on an application within forty-five (45) days after the last hearing before the Board or hearing officer. Each decision shall be accompanied by findings of fact and the conclusions based on the facts that led to the decision. If a conclusion is based on the Municipalities Planning Code, this Ordinance, or another Township regulation, reference must be made to the specific provision(s) relied on and the reason(s) for doing so explained.
2. If a hearing is conducted by a hearing officer, and there has been no stipulation that his/her decision or findings are final, the Board shall make his/her report and recommendations available to all parties and the parties shall be entitled to make written representations thereon to the Board prior to a final decision or entry of findings. The Board's final determination shall be entered no later than forty-five (45) days after the report of the hearing officer is delivered to the Board.
3. If the Board fails to render a decision within the required time period, or fails to hold the required hearing within sixty (60) days of the date of a request for a hearing, unless waived by the applicant, a decision shall be deemed to have been rendered in favor of the applicant because of the Board's failure to act as required. The Township shall give public notice of this fact and shall notify all parties of it within ten (10) days.
4. A copy of final decisions or findings shall be delivered to applicants personally, or mailed to them, not later than the day following the date of the decision. A brief summary of final decisions or findings shall be provided, by mail or otherwise, to all other persons who have filed their name and address with the Board, not later than the last day of the hearing, along with information about where the full decision and findings may be examined.

N) Challenge to the validity of the Zoning Ordinance or Map. The Zoning Hearing Board shall hear challenges to the validity of the Zoning Ordinance or Map. In all such challenges, the Board shall take evidence and make a record thereof. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact, which shall become part of the record on appeal to a court.

12/7/12

5/29/13

O) Appeals of interpretations of the Zoning Ordinance or Map. The Zoning Hearing Board is hereby authorized to hear and decide:

1. Any matter where an appellant alleges that the Zoning Officer was in error in refusing to issue a Zoning Permit or Certificate of Occupancy as a result of misinterpreting the meaning, intent, or application of any part of this Ordinance.
2. Any matter where an appellant alleges that the Zoning Officer was in error in his/her determination of the exact location of a Zoning District boundary line of the Zoning Map that forms a part of this Ordinance.
3. Any other matter relating to this Ordinance where an appellant seeks a review of any decision, order, or ruling made by the Zoning Officer.
4. Any matter that the Zoning Officer appeals on grounds of doubt about the meaning or intent of any provision of this Ordinance or about the location of a Zoning District boundary line on the Zoning Map.

P) Variances. The Zoning Hearing Board shall hear requests for variances from the provisions of this Ordinance.

1. The Board may grant a variance if the following findings are reached in a given case:
 - a. That there are a unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to a particular property and that an unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district where the property is located.
 - b. That because of the circumstances or conditions described above, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that a variance is necessary to permit the reasonable use of the property.
 - c. That the unnecessary hardship described above has not been created by the appellant.
 - d. That the variance will not result in the alteration of the essential character of the neighborhood or district where the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.
 - e. That the variance represents the minimum variance that will afford relief and the least modification possible of the regulation at issue.

12/7/12

5/29/13

2. In granting any variance, the Board may attach whatever reasonable conditions and safeguards it deems necessary to implement the purposes of this Ordinance.
3. No variance shall be granted that allows a structure or use in a Zoning District in which such structure or use is specifically prohibited.
4. A structure or use resulting from the granting of a variance shall be considered to be non-conforming (see 110.15).

110.20 SPECIAL EXCEPTION USES.

Special Exception Use regulations provide standards for controlling the special characteristics of certain uses. These regulations are necessary because of the great impact that these uses tend to have on the township.

Decisions to grant or deny special use permits shall be made by the Zoning Hearing Board (see 110.19). Decisions of the Zoning Hearing Board shall be based on the standards contained in the regulations for the Zoning District in which the use is registered and on all other Ordinances of the Township.

- A) **All applicants for a special exception** use permit shall submit three (3) sets of development plans to the Zoning Hearing Board with their applications. Also, when the Zoning Officer concludes that an application for a specific use can only be granted as a special exception use under the terms of this Ordinance, he/she shall forward a copy of said application, along with the required supporting data, to the Zoning Hearing Board. Plans must show the location of all buildings, open spaces, parking areas, traffic access and circulations, landscaping, and other information required to determine whether the special exception use conforms to the regulations for that use.
- B) **The Zoning Hearing Board** shall, with thirty (30) days after the application is received, make a review thereof, and shall hold a public hearing for the purposes of receiving comment about the proposed use. The Zoning Hearing Board shall make a decision to grant or deny the application, such decision to be made solely with respect to the criteria listed above, any performance standards that apply, and other applicable provisions of this Ordinance. If the application is granted, the Board shall direct the Zoning Officer, in writing, to issue a permit for the same. If the application is denied, the applicant shall be notified with forty five (45) days of the action and the reason for it.
- C) **No application for issuance of a special use permit** shall be approved unless the Zoning Hearing Board finds that all the requirements of this and any other applicable Ordinance of the Township will be met. Further, in instances where the standards contained herein do not adequately protect the general health, safety, and welfare of parties affected, the township shall be obliged to impose such conditions in issuance of a permit. Conditions that might be imposed shall include, but are not limited to, provisions for additional parking or traffic control, submission of landscaping plans, increases in lot size and

12/7/12

5/29/13

setback, adoption of special measures to remove any potential adverse influence any use may have on adjoining areas.

D) Burden of Proof. The burden of proof shall remain with the application to show compliance with all standards herein and the burden shall never shift to the Township or any protestants.

E) General standards. In order to receive approval, a special exception use must:

- 1) Accord with the Township Comprehensive Plan, conform with regulations applicable to the District where located and be consistent with the spirit, purposes, and intent of this Ordinance.
- 2) Be in the best interest of the Township and not to jeopardize the public health, safety, or welfare.
- 3) Be suitable for the property in question, be designed so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity, provide adequate landscaping and screening to protect adjoining areas and not cause substantial injury to the value of other property in the immediate vicinity.
- 4) Be suitable in terms of its effect on road traffic and safety, with vehicular access arrangements to protect major roads from undue congestion and hazard.
- 5) Not impose an undue burden on any of the improvements, facilities, utilities, and services of the Township, whether such services are provided by the Township or some other agency. The applicant shall be wholly responsible for providing such improvements, facilities, utilities, or services as may be required to serve the proposed use adequately when the same are not part of the application and as a condition to approval of the proposed special exception use permit, the applicant shall be responsible for establishing ability, willingness, and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with this and other Ordinance of Delaware Township. The permit shall be so conditioned.

F) Specific Standards. Specific standards for a limited number of uses are covered below. Standards for additional uses may be covered in a Zoning district where a use Is permitted or conditional (See also 110.7). All building heights are limited to the lesser of two and one half (2 ½) stories or thirty-five feet (35')

1. If a use requires a special exception, the applicant shall request a hearing by the Zoning Hearing Board.
2. The Board shall hear and decide about the request in accordance with the standards and criteria for each special exception use. When it decides to

12/7/12

5/29/13

permit a use, the Board may attach whatever reasonable conditions it deems necessary to implement the purposes of this Ordinance.

3. The Board may require the submission of whatever plans and other material it deems necessary for it to make a proper determination.
4. Any change in a use for which a special exception has been approved by the Board shall be subject to further review and public hearing by the Board.

110.21 VIOLATION OF ORDINANCE

A) The existence of violations shall be determined by the Zoning Officer either during the administration of permits or after receiving and investigating written complaints of violations.

B) When the enforcement notice prescribed by the Municipalities Planning Code has been served by the Zoning Officer on any person, such violation shall be discontinued pursuant to the terms of that notice.

C) The Board of Supervisors, or the Zoning Officer with the approval of the Supervisors, may institute in the name of Delaware Township any appropriate action or proceeding to prevent, restrain, correct, or abate any violation of this Ordinance.

110.22 PENALTY

Any person, partnership or corporation who or which violates any provision of this Ordinance or who resists or interferes with any officers, agents, or employees of the Township who, in accordance with the provisions of this Ordinance, are in the performance of their duty, shall, upon being found liable thereof in a civil proceeding commenced by a municipality, pay a judgment of not more than five hundred dollars (\$500), plus all court costs, including reasonable attorney's fees incurred as a result thereof. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the rules of civil procedure. Each day's continuance of each violation shall constitute a separate offense, unless the District Justice determining that there has been a violation further determines that there was good faith basis for the defendant to have believed that there was no such violation, in which event there shall be deemed to have been only one violation until the fifth day following the determination of a violation by the District Justice and thereafter each day a violation continues shall constitute a separate offense. All judgments, costs and attorney's fees collected for the violation of this Ordinance shall be paid to Delaware Township. *See Ordinance 208.*

110.23 AMENDMENT

A) The Supervisors may amend the Zoning Ordinance by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code, as enacted or hereafter amended.

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12/7/12

5/29/13

B) A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, that prohibits or restricts the use or development of land in which he/she has an interest, may submit a curative amendment to the governing body with a written request that his/her challenge and proposed amendment be heard and decided on as provided in Section 609.1 of the Pennsylvania Municipalities Planning Code, as enacted and hereafter amended.

110.24. SAVING CLAUSE

In the event any provision of this ordinance is determined to be invalid or unenforceable, the remaining provisions of this ordinance shall not be affected hereby and remain in full force of affect.

110.25 EFFECTIVE DATE; REPEALER

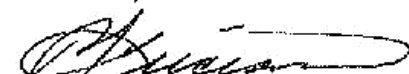
Pursuant to the Pennsylvania Municipalities Planning Code, this Ordinance shall be effective five (5) days after the subscribed date of enactment. All Ordinances and existing parts of ordinances inconsistent herewith shall be, and the same are, hereby repealed to the extent necessary to give this ordinance and subsequent amendments hereto, full force and effect.

110.26 ENACTMENT

This Delaware Township Ordinance is hereby enacted on this 25 day of Sept. 2013, pursuant to the authority granted under the Pennsylvania Municipalities Planning Code.

DELAWARE TOWNSHIP BOARD OF SUPERVISORS


TOM RYAN, CHAIRMAN


ROBERT LUCIANO, VICE-CHAIRMAN


TED PARSELL, SUPERVISOR

ATTEST:


BARBARA FOOS, TOWNSHIP SECRETARY